

STATUTES AND ORDINANCES

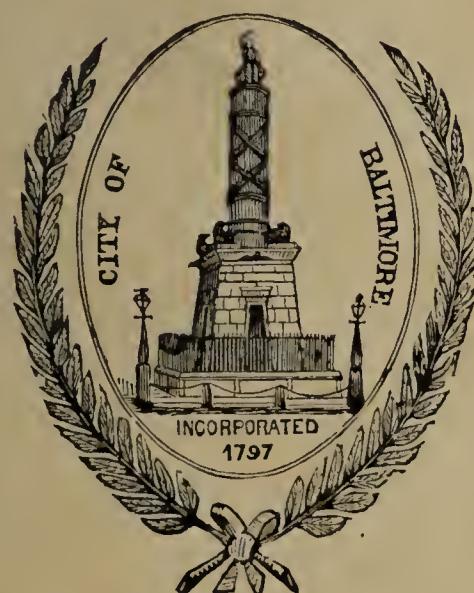
— RELATING TO THE —

CITY COMMISSIONER'S DEPARTMENT,

*PRINTED BY ORDER OF THE MAYOR AND CITY COUNCIL
OF BALTIMORE.*

JULY, 1895.

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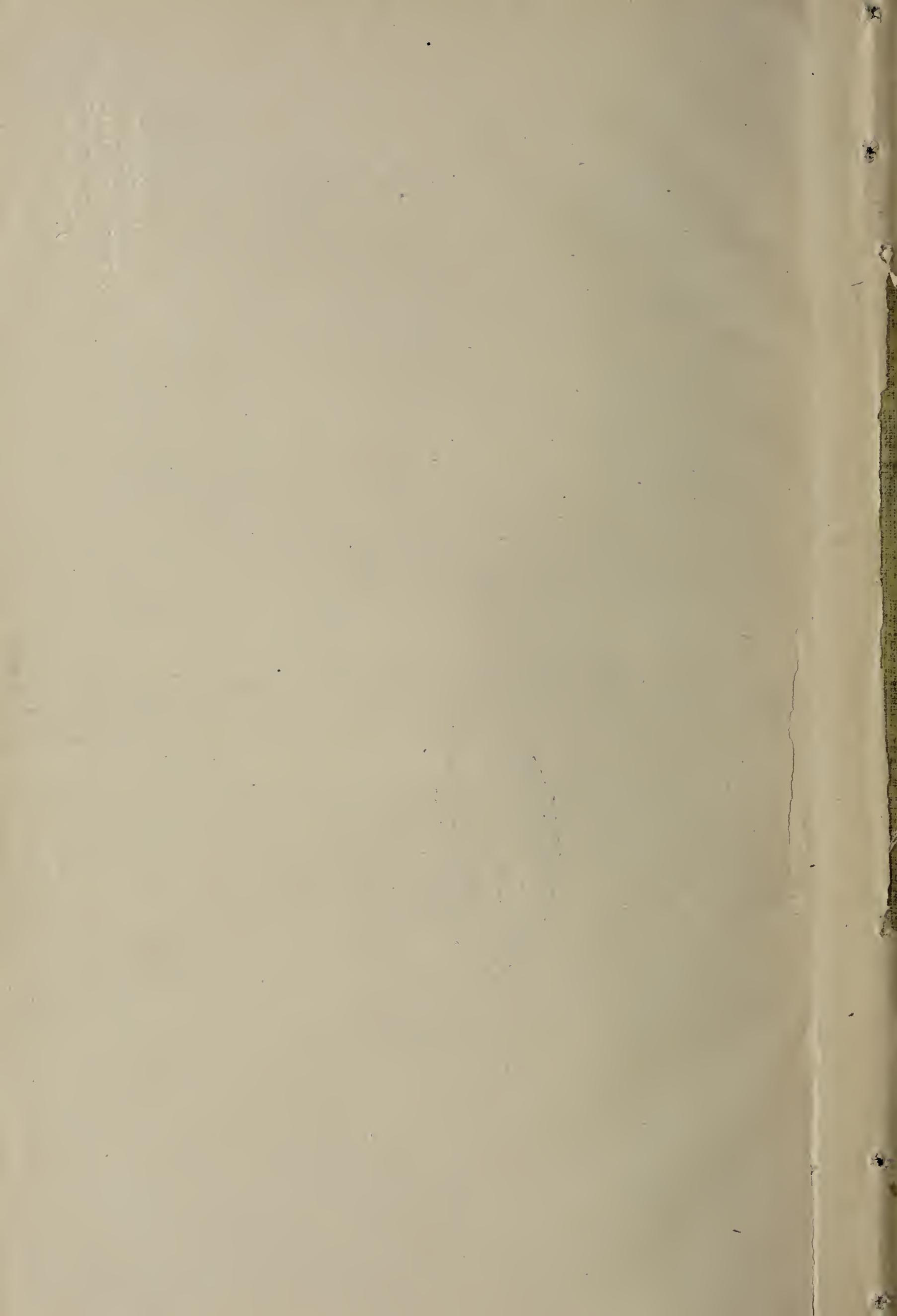


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STATUTES.

HOURS OF LABOR.

1. No mechanic nor laborer employed by the Mayor *Act of 1892, Ch. 286.* and City Council of Baltimore, or by any officer, agent or contractor under them, shall be required to work more than nine hours per day as a day's labor; provided, however, that this section shall not apply to mechanics and laborers whose hours of labor are already fixed at less than nine hours per day; and provided further, that the provisions of this act shall not apply to the employees of the Fire Department, Bay View Asylum or the Baltimore City Jail. Any such officer, agent or contractor who shall require any mechanic or laborer to work more than nine hours per day, contrary to the provisions of this section, shall be fined not less than ten dollars nor more than fifty dollars for each offence; one-half of such fine to go to the informer; said fines to be collected as other fines are collected by law.

Nine hours to
be a day's labor
for certain city
employees.

RAILROADS.

2. It shall not be lawful for any person or corporation to lay any railway tracks upon Mt. Royal avenue between Guilford and North avenues, or upon Cathedral street between Saratoga street and Mt. Royal avenue, or upon St. Paul street from Baltimore street northerly to the city limits, or upon Calvert street from Read street northerly to the city limits, or upon Gough street

1892, Ch. 115.

What streets
not to be used.

from Bond street easterly to Patterson Park avenue, or upon Broadway from Baltimore street north to North avenue, except upon the streets where tracks are now laid, without the consent of the General Assembly of Maryland; provided, that this act shall not restrict in any way the right of any passenger railway company now incorporated, or that may hereafter be incorporated, to cross any of said streets and avenues where such railway company shall be authorized by the Mayor and City Council of Baltimore to use any street or avenue opening into any of the streets and avenues named in this act.

1894, Ch. 69.

3. It shall not be lawful for any person or corporation to lay any railway tracks upon McCulloh street between Eutaw street and North avenue without the consent of the General Assembly of Maryland; provided, that this act shall not restrict in any way the right of any passenger railway company now incorporated, or that may hereafter be incorporated, to cross said street where such railway company shall be authorized by the Mayor and City Council of Baltimore to use any street or avenue opening into said street.

Streets not to
be used.

1894, Ch. 150.

4. It shall not be lawful for any person or corporation to lay any railway tracks upon Baltimore street between Patterson Park avenue and Canton street, in the city of Baltimore, or on Barclay street, in the city of Baltimore, or on Biddle street, in Baltimore city, between Broadway and Maryland avenue; provided, however, that nothing contained in this act shall prevent the crossing of Barclay street by any companies duly authorized, without the consent of the General Assembly of Maryland.

Streets not to
be used.

5. That the Mayor and City Council of Baltimore be and is hereby authorized and empowered to accept from the owners thereof a deed of the land lying in the bed of Eutaw place extended, between North avenue on the southeast and Druid Hill avenue on the northwest, in consideration of an agreement on the part of said grantee, to be incorporated therein, that no street car or other railroad tracks shall at anytime thereafter be located or placed on any part thereof. Upon the execution of said deed and acceptance thereof by the Mayor and City Council of Baltimore embodying said contract prohibiting the locating or placing car tracks upon any part of the land so to be granted, the said contract shall be and is hereby declared to be forever thereafter inviolable; provided, however, that nothing herein contained shall prevent the Mayor and City Council of Baltimore from authorizing by ordinance the location or construction of car tracks on such part of the bed of said street as are contained within the limits of intersecting or cross streets that are now or may hereafter be provided for by ordinance of said Mayor and City Council.

1894, Ch. 123.

No railroad
tracks to be
placed on N.
Eutaw st. extd.

6. It shall not be lawful for any person or corporation to lay any railway tracks upon North Caroline street between Preston street and East North avenue without the consent of the General Assembly of Maryland; provided that this Act shall not restrict in any way the right of any passenger railway now incorporated, or that may hereafter be incorporated, to cross said street, where such railway company shall be authorized by the Mayor and City Council of Baltimore to use any street or avenue opening into said street.

1894, Ch. 439.

No railroad
tracks to be
placed on N.
Caroline st.

*P. L. L., 1888,
Art. 4, Sec. 792.*

Power to repair 7. The Mayor and City Council have full power to pave and keep in repair all necessary drains and sewers; to pass all regulations necessary for the preservation of the same, and to authorize any person appointed by them for that purpose to enter upon the lots, grounds and possessions of any person or body politic, through which the common sewers run, or ought to run, to regulate, make or repair the same.

Kirby vs. Citizen's Railway Co., 48 Md., 168. Kranz vs. Mayor, etc., 64 Md., 491.

*P. L. L., 1888,
Art. 4, Sec. 793.
Obstruction,
penalty.*

8. If any person shall willfully stop up or obstruct the passage of the waters of any of the common sewers, he shall forfeit and pay the sum of one hundred dollars.

*P. L. L., 1888,
Art. 4, Sec. 794.*

**Power to con-
struct.**

Proceedings.

9. The Mayor and City Council of Baltimore shall have full power to provide for constructing, opening, enlarging or straightening any sewer through any street, lane or alley, or through any private property, upon giving thirty days' notice in writing to the owners or agents of said private property within the bounds of the city, when in their opinion the convenience or welfare of the city may require it; to provide for ascertaining whether any and what amount of actual damage will accrue thereby, and what amount of actual benefit will thereby accrue to the owner or possessor of any ground or improvements within or adjoining to the city, being governed as far as practicable by the num-

ber of superficial feet drained, and to provide for assessing and levying, either generally on the whole assessable property of the said city, or by a loan for the special purpose of constructing, opening, enlarging or straightening any sewer, the sum necessary to pay the expense or cost, or specially on the property of persons actually benefited, the whole or any part of the damages and expenses which they shall ascertain will be incurred in constructing, opening, enlarging or straightening any sewer in any street, lane or alley, or through any private property in said city; to provide for granting appeals to the court having jurisdiction thereof in Baltimore city, from the decision of any commissioners or other persons appointed in virtue of any ordinance to ascertain the damage which will be incurred or the benefits which will accrue to the owners or possessors of any ground or improvements for constructing, opening, enlarging or straightening in any street, lane or alley, or through any private property, any sewer which in their opinion the public welfare or convenience may require, and for securing to every such owner or possessor the right on application within a reasonable time to have decided by a jury trial whether any damage and what amount of damage has been caused, or whether any benefit and what amount of benefit has accrued to them; and to provide for collecting and paying over the amount of compensation adjudged to each person to receive the same, or investing in stock of said corporation, bearing interest of five per centum per annum, for the use of any person who, because of infancy, absence from the city, or other cause, may be prevented from receiving it, before any sewer shall be constructed, opened, enlarged or straightened in any street, lane or Damages.

alley, or through any private property, and to enact and pass all ordinances from time to time which shall be deemed necessary and proper to exercise the power and effect the objects herein specified.

*P. L. L., 1888,
Art. 4, Sec. 795.*

Benefits.

10. The amount of benefits assessed on any property for constructing, opening, enlarging or straightening any sewer in any street, lane or alley, or through any private property, constructed, opened, enlarged or straightened by virtue of any ordinance passed by the Mayor and City Council of Baltimore, shall be a lien on the property and recoverable as city taxes are.

*P. L. L., 1888,
Art. 4, Sec. 796.*

Notice before ordinance.

11. Before the Mayor and City Council of Baltimore shall pass any ordinance under Sections 792 and 794 notice shall be given of an application for the passage of such an ordinance in at least two of the daily newspapers of said city twice a week for sixty days.

*P. L. L., 1888,
Art. 4, Sec. 797.*

Notice after ordinance.

12. Before any commissioners appointed by any ordinance of said corporation under the preceding sections hereof shall proceed to the performance of their duty, they shall give daily notice, in at least two newspapers in the city of Baltimore, of the object of the ordinance under which they propose to act, at least thirty days before the time of the first meeting to execute the same.

*P. L. L., 1888,
Art. 4, Sec. 798.*

Payment of city's share of cost.

13. Should the Commissioners appointed by the Mayor and City Council of Baltimore assess any part of the expense and damage incurred in the construction, opening, enlarging or straightening any sewer in the

city, upon the Mayor and City Council, the said Mayor and City Council may levy a tax on the assesable property of the city for the amount of such assessment, or they may raise the necessary amount by a loan, for the payment of which they may create a sinking fund to meet the liabilities incurred; and may also levy on the assessable property of the city of Baltimore from time to time such sums as may be necessary to provide therefor, and for the principal and interest of the liabilities incurred, and may pass all ordinances necessary to carry out the provisions of the same.

STREETS, BRIDGES AND HIGHWAYS.

14. All streets, avenues or alleys lying in any portion of Baltimore county, which, under the provisions of said Act of 1888, Chapter 98, became a part of Baltimore city, and which shall have been legally condemned as streets under the provisions of the Acts of Assembly of Maryland relating to streets in Baltimore county, shall be held to be validly constituted streets of Baltimore city in all respects as if the same had been legally condemned as such by the Mayor and City Council of Baltimore; and all proceedings for the laying off, opening, grading and construction of streets, avenues or alleys, which shall have been begun under Article 3, of the Public Local Laws, title "Baltimore County," sub-title "Streets," shall be proceeded with and completed under said article and sub-title.

15. The Mayor and City Council of Baltimore shall have full power to provide for laying out, opening, extending, widening, straightening or closing up, in whole or in part, any street, square, lane or alley within the

*P. L. L., 1888,
Art. 4, Sec. 4.*

*Streets in An-
nex.*

*P. L. L., 1888,
Art. 4, Sec. 806.*

*Powers of M.
and C. C.*

bounds of said city, which in their opinion the public welfare or convenience may require; to provide for ascertaining whether any and what amount in value of damage will be caused thereby, and what amount of benefit will thereby accrue to the owner or possessor of any ground or improvements within or adjacent to said city, for which such owner or possessor ought to be compensated, or ought to pay a compensation, and to provide for assessing and levying, either generally on the whole assessable property of said city, or specially on the property of persons benefited, the whole or any part of the amount of damages and expenses which they shall ascertain will be incurred in locating, opening, extending, widening, straightening or closing up the whole or any part of any street, square, lane or alley in said city; to provide for granting appeals to the Baltimore City Court, from the decisions of any commissioners, or other persons appointed in virtue of any ordinance to ascertain the damage which will be caused or the benefit which will accrue to the owners or possessors of ground or improvements by locating, opening, extending, widening, straightening or closing up, in whole or in part, any street, square, lane or alley within said city, and for securing to every such owner and possessor the right, on application, within a reasonable time, to have decided by a jury trial whether any damage has been caused, or any benefit has accrued to them, and to what amount; to provide for collecting and paying over the amount of compensation adjudged to each person entitled, or investing it in stock of the said corporation, bearing an interest of five per centum per annum, for the use of any such person who, because of their infancy, absence from the city or any other cause may be prevented from receiving it, before any

street, square, lane or alley in whole or in any part shall be so opened, extended, widened, straightened or closed up, and to enact and pass all ordinances, from time to time, which shall be deemed necessary and proper to exercise the powers and effect the objects above specified.

Mayor, &c., *vs.* Moore, 6 H. & J. 375. Mayor, &c., *vs.* Hughes, 1 G. & J. 480. Alexander *vs.* Mayor, &c., 5 Gill, 383. Methodist Protestant Church *vs.* Mayor, &c., 6 Gill, 391. White *vs.* Flannigan, 1 Md., 542. Moale *vs.* Mayor, &c., 5 Md., 321. Steuart *vs.* Mayor, &c., 7 Md., 500. State *vs.* Graves, 19 Md., 351. Mayor, &c., *vs.* Bouldin, 23 Md., 328. Mayor, &c., *vs.* Clunet, 23 Md., 449. Hawley *vs.* Mayor, &c., 33 Md., 280. Page *vs.* Mayor, &c., 34 Md., 558. Norris *vs.* Mayor, &c., 44 Md., 598. McCormick *vs.* Mayor, &c., 45 Md., 527. Northern Central R. R. Co. *vs.* Mayor, &c., 46 Md., 425. Brooks *vs.* Mayor, &c., 48 Md., 265. Mayor, &c., *vs.* St. Agnes' Hospital of Baltimore, 48 Md., 419. Black *vs.* Mayor, &c., 50 Md., 235. Mayor, &c., *vs.* Reitz, 50 Md., 574. Tinges *vs.* Mayor, &c., 51 Md., 600. Hiss *vs.* Baltimore & Hampden Passenger Railway Company, 52 Md., 242. McMurray *vs.* Mayor, &c., 54 Md., 103. Hall *vs.* Mayor, &c., 56 Md., 194. Mayor, &c., *vs.* Black, 56 Md., 333. Hodges *vs.* Baltimore Union Passenger Railway Company, 58 Md., 603. Mayor, &c., *vs.* White, 62 Md., 362. Mayor, &c., *vs.* Hook, 62 Md., 371. B. & O. R. R. *vs.* Boyd, 63 Md., 325. Glenn *vs.* Mayor, 67 Md., 390. Central Savings Bank *vs.* Mayor, &c., 71 Md., 515.

16. Before they shall pass any ordinance under the preceding section at least sixty days' notice shall be given of any application for the passage of such ordinance in at least two of the daily newspapers in the said city.

Mayor, &c., *vs.* Grand Lodge of I. O. O. F., 44 Md., 436. Dashiell *vs.* Mayor, &c., 45 Md., 616. Mayor, &c., *vs.* Little Sisters of the Poor, 56 Md., 400. Central Savings Bank *vs.* Mayor, &c., 71 Md., 515.

17. Before any commissioners appointed by any ordinance of said corporation under the two preceding sections shall proceed to the performance of their duty notice after ordinance.

they shall give notice in at least two of the daily newspapers in the city of Baltimore of the object of the ordinance under which they propose to act, at least thirty days before the time of their first meeting to execute the same.

P. L. L., 1888,
Art. 4, Sec. 809.

Grades.

18. The Mayor and City Council of Baltimore are authorized and empowered to provide, by general or special ordinance, for the establishment and change from time to time of the grade lines of any street, lane or alley, or part thereof, now or hereafter marked, located or laid out upon the plan of said city.

Dashiell *vs.* Mayor, &c., 45 Md., 616. Burns *vs.* Mayor, &c., 48 Md., 198. Mayor, &c., *vs.* Hanson, 61 Md., 462. Kelly *vs.* Mayor, &c., 65 Md., 175.

1892, Ch. 219.

Powers of M.
& C. C., as to
grading, re-
grading, shell-
ing, reshell-
ing, paving,
and rekerb-
ing streets, lanes
and alleys.

19. They shall have and are vested with full power and authority to provide by ordinance for grading, shelling, graveling, paving and kerbing, or for regrading, reshelling, regraveling, repaving, and rekerbing, of any street, lane or alley in said city, or part thereof now condemned, ceded, opened, as a public highway, or which may hereafter be condemned, ceded, opened, widened, straightened or altered according to the laws and ordinances regulating the same; and also for assessing the cost of any such work in whole or in part upon the property binding upon such street, lane or alley, or part thereof, according to such rule or basis as the Mayor and City Council may determine, and for collecting said assessments in such manner as they may prescribe, either before or after the works shall have been done; provided, that before the passage by either Branch of the Council of any ordinance requiring the whole or any portion of the cost to be assessed upon the

property, ten days' notice shall be given in at least two of the daily newspapers in said city, and an opportunity shall be afforded to all persons interested therein to appear and be heard before some appropriate committee of the Council, and they may also provide for appeals to the Baltimore City Court from the decisions of any commissioner or other person or persons appointed to determine the amount of assessment to be made upon any property under any such ordinance; and in the trial of such appeal, the practice shall conform as near as may be to the practice in the trials of street appeals, including the right of appeal to the Court of Appeals.

20. They shall also have and are vested with power *P. L. L., 1888,
Art. 4, Sec. 811.* and authority to provide by general ordinance for the grading, graveling, shelling, paving or kerbing, or for the regrading, regraveling, reshelling, repaving or re-kerbing of any street, lane or alley, or part thereof, in said city; without the passage of a special ordinance in the particular case, whenever the owners of a majority of the front feet of property binding on such street, lane or alley, or part thereof, shall apply for the same, upon terms and under conditions to be prescribed in said general ordinance, and for the assessment in any such case of the cost of such work, in whole or in part, *pro rata*, upon all the property binding upon such street, lane or alley, or part thereof, and for the collection of such assessment as other city taxes are collected.

*Grading and
paving upon
application of
owners.*

Henderson *vs.* Mayor, &c., 8 Md. Holland *vs.* Mayor, &c., 11 Md., 186. Bouldin *vs.* Mayor, &c., 15 Md., 18. Mayor, &c., *vs.* Eschbach, 18 Md., 276. Howard *vs.* First Independent Church of Balto., 18 Md., 451.

1892, Ch. 284.

Levy and collection of tax for streets, etc., heretofore graded, paved, repaved, kerbed or rekerbed.

21. In any and all cases where any street, lane or alley, or any part thereof, in the city of Baltimore, has been graded, paved or kerbed, or regraded, repaved or rekerbed, under any ordinance which provided for assessing the whole or any portion of the cost of such improvement upon the property binding on such street, lane or alley, or part thereof, and such assessments, or any part thereof remain unpaid, it shall be lawful for the Mayor and City Council of Baltimore to provide by ordinance for the levy and collection in such manner as they may deem proper, of a tax upon all the property binding on any street, lane or alley, or part thereof which may have been so improved, to the extent that such property shall have been specially benefited by such improvement; provided that no property upon which the assessment originally made for its share of the cost of such improvement shall have been paid shall be again assessed, and that reasonable notice and an opportunity to be heard shall be given to all persons interested before the final ascertainment of the amount of tax to be paid by any such property; and the said Mayor and City Council shall provide for appeals to the Baltimore City Court by any person or persons interested, including the Mayor and City Council themselves, from the decision of any commissioner or commissioners or other persons appointed to determine the amount or amounts of such special takes or assessments; and in the trial of such appeals the practice shall conform as near as may be to the practice in the trial of street appeals, including the right of appeal to the Court of Appeals.

22. All the streets, lanes or alleys opened in the *Ibid., Sec. 814.*
manner directed in the preceding section shall be pub-
lic highways and be subject to the laws, regulations and ^{To be public}highways.
ordinances applicable to public streets, lanes or alleys,
or parts thereof, in said city.

23. A tenant for ninety-nine years, or ninety-nine ^{P. L. L., Art. 4,}
^{Sec. 812.}years renewable forever, or the executor or adminis-
trator of such tenant, or the guardian of an infant ^{Who deemed to}be owner.
owner, or a mortgagee in possession, shall be deemed
and taken as an owner for the purposes of any applica-
tion to the Mayor and City Council authorized by this
sub-title of this article; and the application of any
such person shall bind the property so represented for
any assessment or tax made under an ordinance passed
in pursuance of the provisions of this sub-title of this
article.

24. Where real estate within the said city has been ^{P. L. L., Art. 4,}
^{Sec. 813.}or may be divided according to law among heirs,
legatees, joint tenants or tenants in common, entitled ^{What notice to}be given.
to the same, and such division calls for any of the
streets, lanes or alleys, or any part thereof, surveyed
and laid off under the Act of 1817, Chapter 148, or
reserves any of the said streets, lanes or alleys, or any
part thereof as open, and divides such estate with
reference thereto, the Mayor and City Council may, on
application of one or more persons interested in the
ground to be taken on such application, adopt and
sanction by ordinance the principle under which such
division was had, and open any of the said streets, lanes
or alleys, or any parts thereof, in the said division
reserved or recognized; provided at least one week's

notice in the newspapers of said city, (the costs of the advertisement to be paid by the applicants), be given of such application before any such ordinance shall pass.

P. L. L., Art. 4,
Sec. 814. 25. All the streets, lanes or alleys opened in the manner directed in the preceding section shall be public highways, and be subject to the laws, regulations and ordinances applicable to public streets, lanes or alleys, or parts thereof in said city.

Such streets
public high-
ways.

Ibid., Sec. 815. 26. They may, on the application of the owners of a majority of feet in front of any private wharf, dock, street, lane or alley, cause the same to be paved, cleaned out, mended or otherwise repaved or kept in good condition or repair, and may impose upon and collect from all the proprietors of the property so to be cleaned out or repaired a tax sufficient in amount to defray the expenses thereof, which shall be assessed upon the proprietors in proportion to the number of feet held by them, respectively, in front or length, and shall be collected by the Mayor and City Council as taxes levied for paving public streets.

Cleaning o f
private wh'r'v's
and streets.

Ibid., Sec. 816. 27. They may pass all ordinances necessary for grading, regulating, paving and repairing the footways in the streets, lanes and alleys of the city, and impose a tax on any lot fronting on any paved street, lane or alley, for the purpose of grading, regulating, paving or repairing footways in front thereof, or compel by fine or otherwise the owner or proprietor of any lot to pave or repair the footways in front thereof, agreeably to the ordinances to be passed by them.

Grading and
paving foot-
ways.

28. Whenever the Board of Health shall certify in *P. L. L., 1888,
Art. 4, Sec. 817.* writing to the Mayor that it is necessary for the health of the city to alter the grade of any street, lane or alley on low or made ground, the Mayor shall issue his order to the City Commissioner, who shall thereupon call upon the several property holders on such street, lane or alley, and procure from them their assent in writing to such alteration; and if any property holder shall refuse to permit the same to be graded, and shall require damages therefor, and cannot agree with the commissioners as to the amount of damages, or should there be any legal disability on the part of those owning property on such street, lane or alley, the Judge of the Baltimore City Court, on application of the corporation, shall appoint three disinterested persons to assess such damages, who shall return on oath their award to said court, and the same shall be confirmed by the court unless cause to the contrary be shown; in which case the court shall at the first term thereafter decide finally thereon; and when the damages so assessed or agreed upon shall be paid by the Mayor and City Council to the persons so assessed, and legally entitled to receive the same, the Mayor and City Council may proceed to regrade and pave the said street, lane or alley.

29. The president, directors and companies of the different turnpike companies owning roads running into the city of Baltimore may cede to said city such parts of said roads as lie within the corporate limits of said city; and the same, when ceded, shall be in all respects subject to the same regulations as unpaved public streets.

Hooper vs. Pres., etc., of Balto. & Yorktown Turnpike Road, 34 Md., 521. Balto. & Havre de Grace Turnpike Co. vs. Union Railway Co. of Balto., 35 Md., 224.

Alteration of
grade upon cer-
tificate of Board
of Health.

*P. L. L., 1888,
Art. 4, Sec. 818.*

Turnpikes
within
city
limits.

1890, Ch. 468. 30. The Mayor and City Council of Baltimore be and are hereby authorized to negotiate with and purchase from several turnpike companies such portions of their several turnpike roads as lie within the present limits of the city of Baltimore, upon such terms and for such amount as may be agreed upon, and to arrange with said several turnpike companies for the removal of their several turnpike gates beyond the limits of the city, and to appropriate such sums of money as may be necessary to carry out these objects.

1890, Ch. 370. 31. The Mayor and City Council of Baltimore shall have power to regulate the use of the streets, lanes and alleys in said city by railway or other tracks, gas or other pipes, telegraph, telephone, electric light or other wires and poles, in, under, over or upon the same, and may require all such wires to be placed under ground after such reasonable notice as they may prescribe.

1892, Ch. 200. 32. The Mayor and City Council of Baltimore are authorized to provide a series of conduits under the streets, lanes and alleys of said city, or any parts thereof, for the use of telephone, telegraph, electric light and other wires, either by constructing said conduits themselves or by authorizing their construction by such person or corporation upon such terms as may be agreed upon to provide for the appointment of an electrical commission with such powers and duties as the said Mayor and City Council may deem necessary or appropriate for carrying out the purposes of this act; and to require all such wires or any part or parts thereof, and the poles carrying the same, to be removed from the surface of the streets, lanes and alleys of said city or any part or parts thereof, and to require such wires to

be placed in such conduits, all under such penalty as they may prescribe; and to prescribe and establish reasonable rentals to be paid by any company or person using any of said conduits, by whomsoever the same may be constructed, for the use thereof, and to provide for the collection of such rentals in addition to the ordinary processes by such summary methods as they may deem appropriate; provided, however, that nothing contained in this act shall be deemed or taken to modify or change in any manner the provisions of ordinance number (41) forty-one, of the Mayor and City Council of Baltimore, approved May 9, 1889, or the rights and privileges granted thereby to the companies therein named, or either of them.

33. The bed of North avenue, throughout its entire length, shall in all respects be hereafter held as the bed of any other street or avenue in Baltimore city, so far as the same be laid down on Poppleton's map of Baltimore city, and subject to all the conditions or requirements of any other street or avenue in said city; and any and all of the ground fronting thereon, whether in Baltimore city or county, shall, in the event of said avenue, or any part thereof, being graded, kerbed, paved, shelled, graveled, or in any like manner improved, be subject to the same assessment for the cost of said grading, kerbing, paving, graveling, shelling, or like improvement, as would be the case with ground fronting on any other street or avenue in the city, similarly to be improved as aforesaid; and such ground and the owners and representatives thereof shall in such event be held liable for said assessments, and the said avenue be subject to all the Acts of Assembly and ordinances of

P. L. L., 1888,
Art. 4, Sec. 820.

The bed of
North avenue
to be treated as
public street.

the Mayor and City Council of Baltimore which are now or may be hereafter in force and applicable for the grading, kerbing, paving, graveling, shelling, or any like improvements of streets or avenues in Baltimore city.

Mayor, &c., *vs.* Porter, 18 Md., 284. Mayor, &c., *vs.* Horn, 26 Md., 194.
Lester *vs.* Mayor, &c., 29 Md., 419.

P. L. L., Art. 4,
Sec. 821. 34. The Mayor and City Council of Baltimore are

authorized with the County Commissioners of any adjoining or neighboring counties thereof to purchase all bridges and turnpike roads, and upon such terms as said Mayor and City Council and said County Commissioners on the one part, and the owners of such bridges and highways on the other, may mutually agree; and when so purchased, all or any of them shall thereafter be free public highways, and as such, under the care and management of said Mayor and City Council and said County Commissioners as the may, respectively, provide and stipulate as between them.

P. L. L., 1888,
Art. 4, Sec. 824. 35. The bridges which the County Commissioners of Baltimore county have heretofore agreed to build within the limits of the territory which has become annexed to Baltimore city under the Act of 1888, Chapter 98, shall be completed by the city of Baltimore; and all bridges within the limits of said territory shall be maintained and kept in repair for public travel at the expense of Baltimore city; all bridges crossing the Patapsco River from said city, including the bridge known as the "Long" or Light-street bridge, shall be maintained and kept in repair for public travel at the sole expense of the said city of Baltimore.

Bridges within Annex. 35. The bridges which the County Commissioners of Baltimore county have heretofore agreed to build within the limits of the territory which has become annexed to Baltimore city under the Act of 1888, Chapter 98, shall be completed by the city of Baltimore; and all bridges within the limits of said territory shall be maintained and kept in repair for public travel at the expense of Baltimore city; all bridges crossing the Patapsco River from said city, including the bridge known as the "Long" or Light-street bridge, shall be maintained and kept in repair for public travel at the sole expense of the said city of Baltimore.

35. The bridges which the County Commissioners of Baltimore county have heretofore agreed to build within the limits of the territory which has become annexed to Baltimore city under the Act of 1888, Chapter 98, shall be completed by the city of Baltimore; and all bridges within the limits of said territory shall be maintained and kept in repair for public travel at the expense of Baltimore city; all bridges crossing the Patapsco River from said city, including the bridge known as the "Long" or Light-street bridge, shall be maintained and kept in repair for public travel at the sole expense of the said city of Baltimore.

36. All streets, avenues or alleys lying in that portion <sup>P. L. L., 1888,
Art. 4, Sec. 824a.</sup> of Baltimore city, formerly constituting a portion of Baltimore county, and in pursuance of the <sup>streets within
annex.</sup> Act of the General Assembly of Maryland, of eighteen hundred and eighty-eight, chapter ninety-eight, recently annexed to the said city of Baltimore, which had prior to such annexation become streets, avenues or alleys in Baltimore county, whether by deed or dedication, shall be held for all purposes to validly constitute streets, avenues or alleys of Baltimore city, in all respects as if the same had been legally condemned as such by the Mayor and City Council of Baltimore.

37. No avenues, streets or alleys in the Twenty-first ^{1894, Ch. 576.}

or Twenty-second Ward of Baltimore city, or in either of them, shall hereafter be opened, established or condemned, nor shall the dedication of any avenue, street or alley hereafter made in said Twenty-first and Twenty-second Wards of Baltimore city, or in either of them, be accepted by the Mayor and City Council of Baltimore, unless the lines and grades of said avenues, streets or alleys be opened, established, condemned or dedicated to conform to the plans, plats and surveys defined by the Topographical Survey of the city of Baltimore, now being prepared under the supervision of Henry T. Douglas, chief engineer, unless otherwise provided in an Act of Assembly; provided, that the plan of said Topographical Survey shall be approved by an ordinance or formal resolution of the Mayor and City Council of Baltimore.

Grades of
streets in An-
nex to con-
form to Topo-
graphical
Survey.

ORDINANCES.

ANNUAL REPORTS.

1. The Register of the City, and all other officers of the corporation, shall make to the Mayor and City Council their annual reports and returns of all matters, as required by law, connected with their respective offices, as soon after the said thirty-first day of December as practicable. *City Code, 1893,
Art. 1, Sec. 37.* When officers
to make re-
ports and re-
turns.
2. The heads of the several departments of the city government, as well as the officers or commissions that are charged with the making of contracts, or the expenditure of the public money, shall, in making up their annual reports to the Mayor and City Council, or in submitting reports to the Comptroller, as the case may be, state the amount of their indebtedness respectively, and for what purposes or object such indebtedness was incurred. *Ibid., Sec. 38.* Departments,
etc., to report
indebtedness.
3. If any officer or officers of the corporation, shall, without authority, expend or contract for the expending any public money, or shall in any case exceed the appropriation, he or they shall be held liable in his or their individual capacity for the amount so improperly expended or contracted to be expended. *City Code, 1893,
Art. 1, Sec. 40.* Not to exceed
appropriation. Penalty.

Ibid., Sec. 41. 4. It shall be the duty of the Register to notify all officers of the corporation that under and by virtue of the preceding section, they and each of them are liable in their individual capacities for any violation of the provisions of said section, and enjoin on them the necessity of regulating their expenditures to the amount appropriated by the Mayor and City Council. And it shall be the duty of the Comptroller to withhold his warrant from any officer or officers of the corporation for the payment of any moneys after the amount appropriated for the specific object shall have been expended.

When Comptroller to withhold his warrant.

EMPLOYEES.

Ibid., Sec. 42. 5. It shall not be lawful for any of the heads of the departments under the city government to employ or allow to be employed, in any capacity, within the city limits, any person who is not a registered voter of the city of Baltimore.

Registered voters only to be employed.

Ibid., Sec. 49. 6. The salaries of all officers of the corporation, unless otherwise directed by law, shall be paid on the first Monday of each and every month. Such salaries are not liable to attachment.

Salaries to be paid monthly; not attachable.

City Code, 1893, Art. 1, Sec. 55a. 7. No person shall at any time hold more than one office of honor, profit or trust, under the Mayor and City Council of Baltimore.

No person to hold more than one city office.

City Code, 1893, Art. 49, Sec. 188a. 8. No person with horse and cart shall be employed under the city government, in the City Commissioner's Department, or Street Cleaning Commissioner's Department, unless said person so employed shall own and drive his said cart.

Employee to own and drive his cart.

9. The City Commissioner is hereby authorized and directed to employ such skilled labor as may be necessary to carry on the various works under his direction in a proper and expeditious manner.

*Ord. 16, Feb.
27, 1893.**City Commis-
sioner to em-
ploy skilled
labor.*

10. Preference shall be given to the employment of all such skilled laborers who are registered voters of the city of Baltimore, and the City Commissioner is hereby authorized and directed to employ as many other skilled laborers who may not be registered voters of the city of Baltimore as may be necessary in his judgment to enable him to carry on the various works under his direction in a proper and expeditious manner.

*Ibid.**Preference to
registered
voters.**Other than
voters may be
employed.*

11. The City Commissioner is hereby authorized and directed to obtain such skilled labor by individual solicitation, by advertisement, or by any other method that may be deemed best by him for the interests of the city of Baltimore.

*Ibid.**Skilled labor
now obtained.*

CONTRACTS.

12. It shall not be lawful for any officer of this corporation, whether appointed by the Mayor and City Council in convention, by the Mayor alone, or by any board of commissioners, trustees, visitors or building committee, acting under the authority of the Mayor and City Council, to be engaged or concerned, directly or indirectly, in any contract for work done or to be done on account of the city, or in which the city is or may be in any way concerned; in the purchase of any debt due from the corporation or claim upon the same for any work done or to be done, by or under any ordinance.

*City Code, 1893,
Art. 1, Sec. 48.**Officials not
to be interested
in city con-
tracts.*

of the city, or to be engaged in any contract, directly or indirectly, or concerned in any manner in doing work of any kind, or furnishing of supplies for any institution or office, or receive any percentage on any purchases or contracts in the office with which he may be connected; and any officer offending herein shall be fined in a sum not exceeding five hundred dollars, and it shall be obligatory on the Mayor, upon being apprised of any violation of this section, to dismiss forthwith from office any officer, except as hereinafter provided, who may be guilty of such violation. This section shall not apply to non-salaried officials of the city government, except in so far as the same may relate to the actual transactions of the particular department to which said non-salaried official is attached.

*City Code, 1893,
Art 1., Sec. 53.* 13. No extra compensation shall be granted or allowed by the Mayor and City Council to any contractor or

*No extra pay
to city contractors.* contractors with the city, or with any corporation the expenses of which are in the whole or in part borne by the city, after the contract has been entered into; provided, that in case a contractor or contractors shall be prevented by an act of the Mayor and City Council, or any agent or servant thereof acting under their authority from fulfilling his contract as agreed on, and loss is thereby sustained by him or them, such extra compensation may be allowed as will compensate him or them for said loss incurred as aforesaid.

Ibid., Sec. 55. 14. All advertisements emanating from the different departments of the city government shall be published in at least one German paper of the city, and in the selection of such paper they shall give preference to the

*Advertisements
to be publish-
ed in one
Germ'n news-
paper.*

paper having the largest circulation, provided the prices be the same as those charged by the other papers.

15. Hereafter in contracting for any public work or *Ord. 3, Dec. 14,
1892.* the purchase of any supplies or materials for the city of Baltimore, by the City Commissioner's Department, the Street Cleaning Department, the Harbor Board, Water Board, Jail Board, Trustees of the Poor, or by any of the city departments, proposals for the same shall be first advertised for, in two or more daily newspapers published in said city, for not less than ten nor more than twenty days, and the contract for doing said work or furnishing said supplies or materials, shall be awarded by the Mayor, Comptroller and Register, or by such department as is now required to award such contracts, to the lowest responsible bidder. *Contracts for
work, supplies
or materials to
be advertised
for.*

16. Whenever the city officers, or any of them, shall *City Code, 1893,
Art. 1., Sec. 56* advertise for sealed proposals for any public work or contract, of any kind whatsoever, pursuant to existing *How awarded.* ordinances or resolutions, or to such as may hereafter be passed, it shall be the duty (unless it is otherwise provided by special ordinance) of such officers so advertising to lay the sealed proposals received by him or them, according to the advertisement, before the Mayor, who, with the Comptroller and Register, shall proceed to open them, and award in all cases to the lowest bidder of known capacity, responsibility and integrity, whose security for the execution of the work according to the contract, as the case may be, in the judgment of the Mayor, Comptroller and Register, or a majority of them, shall be sufficiently responsible to insure the performance of the work or contracts, according to the

stipulations thereof, respectively; provided, however, that no bid shall be opened from any person who has heretofore failed in the performance or due execution of any contract he may have been engaged in with the corporation of Baltimore.

Ibid., Sec. 57. 17. All such proposals shall be opened at such time and place as may be publicly designated by advertisement, in the presence of such persons as may choose to attend.

Ibid., Sec. 58. 18. For all contracts made under the provisions of the two preceding sections, the Register is hereby required to take bonds of the contractors, certified by the Comptroller, to be with good and sufficient security, and to be approved by the Mayor, for such sum as, in his judgment, may be adequate to secure their fulfillment.

*City Code 1893,
Art. 1, Sec. 59.* 19. Hereafter, in all cases where any bond shall be taken from any contractor for the execution of any work to be done under or by virtue of any ordinance or resolution of the Mayor and City Council, or by any authority thereof, there shall be inserted in said bond, and as one of the conditions thereof, an express stipulation on the part of such contractor that he will defend, indemnify and save harmless the Mayor and City Council of Baltimore against any suit or suits, loss, damage or expense to which the said Mayor and City Council of Baltimore may be subjected by reason of any default or negligence, want of skill or care on the part of such contractor, his agent or employees, or of any sub-contractor, in or about the performance and execution of said work.

*Bonds from
contractors.*

*Conditions in
bonds.*

20. That hereafter in contracting for any public work *Ord. No. 52, app. Apr., 1894.* or the purchase of any supplies or materials for the city of Baltimore by the City Commissioner's Department, the Street Cleaning Department, the Harbor Board, Water Board, Jail Board, Trustees of the Poor, or by any of the city departments, any repairs or supplies not in excess of two hundred dollars to be exempt from the provisions of Section 1, Ordinance No. 3, approved December 14, 1892.

21. The Comptroller shall examine all contracts made *Ibid., Sec. 60.* by the city officers, and he shall report within thirty days after the meeting of the Council in an annual session all contracts made by the corporation as directed or authorized by the Council, and not performed or completed, or upon which any money remains unpaid, with the amount of money remaining unpaid on each.

22. The Mayor and the various departments entering *Ibid., Sec. 61.* into contracts with individuals to perform any public work for the city of Baltimore shall insert a clause in each of said contracts compelling each contractor to pay all mechanics or laboring hands employed by the day once each week; and for the failure to comply by *Mechanics to be paid weekly Remedy.* said contractors the said day hands may file their bill, under oath, with the proper department for the number of days so employed, not to exceed one week; and it shall be the duty of said department to pay said day hands and charge the same to the contractor or contractors, and deduct the same from any money that may be due to the said contractor or contractors. The heads of departments and commissioners of the city government are hereby directed that in the letting of contracts

City mechanics
and manu-
facturers. and in the execution of all kinds of mechanical work required for their several departments, preference in all cases shall be given to the mechanics and manufacturers of Baltimore city.

Ord. 117, June 25, 1894. 23. The City Commissioner is hereby authorized and directed to require all proposals for laying improved pavements under any ordinance or ordinances of the Mayor and City Council of Baltimore hitherto adopted, to include the guarantee of the contractor to maintain the said pavement in good order for five years from the date of the acceptance of said work by the City Commissioner, and that all the old material on streets, or portions of streets, provided to be repaved by said ordinances shall be removed by the contractor, at the expense of the city, to such place or places as the City Commissioner shall from time to time designate, and

To maintain
the pavement
in good order
for five years.

Old material
to remain the
property of the
city. the said old materials shall remain the property of the city. When the whole work of repaving any street or

streets provided to be repaved under any ordinance or ordinances of the Mayor and City Council of Baltimore hitherto adopted shall have been finished and accepted by the City Commissioner, all sums then remaining unpaid shall be paid to the contractor, except ten per

Ten per cen-
tum to be re-
tained for five
years at 4 per
cent. per an-
num. tractors at the expiration of five years from the date of said acceptance, with interest at the rate of four per cent. per annum, provided the said contractors shall have kept the work done by them in proper condition and repair during said five years. Any part or parts of any ordinance or ordinances hitherto passed, which are in conflict with this ordinance, are hereby repealed.

TOPOGRAPHICAL SURVEY.

24. Thorough, accurate and comprehensive geodetic *Ord. 98, April 21,
1893.* and topographical surveys shall be made of the city of Baltimore, beginning with the recently annexed territory, and from such surveys official maps shall be prepared, on a scale sufficiently large to show clearly the following details: All streets and alleys as now laid out, with their width between the building lines; the elevation of streets above mean tide at street corners, or at other points, as may be necessary; the dimensions of blocks in feet and inches; all streets not yet opened to be located by dotted lines and their grades established, with a view of conforming to an uniform system of surface drainage or underground sewerage, and the survey made of the unimproved and undeveloped portions of the city shall be such that there may be defined on said map all streams, water courses, highways, boundary lines of farms or estates, with the names of the owners thereof; the undulations of the ground to be shown by contour lines representing the different elevations in a manner to enable the establishment of grades, locations of sewers, &c.; and should the commissioners, provided for in Section 70, of Article 1, of the City Code of 1893, deem it advisable to extend said topographical survey beyond the present city limits, they are hereby authorized and empowered to do so; provided, however, that said extended survey shall not embrace any territory located more than one mile beyond the present city limits.

25. Plats shall be also made from said surveys and *Ibid.* bound in atlas form for the use of the Tax Department, *Plats to be
made & bound
in atlas form.* City Commissioner's Department, City Surveyor, and

Commissioners for Opening Streets, and such other departments of the city government as may be necessary; said plats to be made upon a scale sufficiently large to show in addition to the matters contained in the general official map, the following details, viz.: The dimensions of each lot or tract of land embraced in the city, with the character of the improvements thereon; the location of all sewers, with their dimensions; the system of water supply, with the location of fire plugs; all corporation buildings, such as school houses, station houses, etc.; all railway lines, and such other details as may be considered requisite.

REFUSE MATERIALS.

*City Code, 1893,
Art. 11, Sec. 12*

Refuse material.

26. It shall be the duty of the Comptroller to take charge of and keep an account of all refuse material that may accumulate in the City Commissioner's and other departments of the city, the articles laid aside as useless at the said departments, to be taken charge of and accounted for by those having supervision of the same. And it shall also be the duty of the Comptroller to dispose of at private or public sale, to the best advantage, all old metal and refuse materials of every kind, and pay the proceeds over to the City Register, specifying at the same time the articles, price, and to whom sold.

*City Code, 1893,
Art. 11, Sec. 13*

Duty of city
officials as to
refuse material

27. The City Commissioner and other persons having city property under their charge shall set aside, on or before the first day of each month, such old metal and other materials as mentioned in the preceding section, and hand the same over to the Comptroller, they taking and keeping an account thereof.

28. The Comptroller is hereby directed to open a *Ibid., Sec. 14.*
separate account for the department of refuse material. ^{Separate ac-}
^{count for.}

ACCOUNTS.

29. The Mayor, Comptroller and Register are hereby *City Code, 1893,*
Art. 11, Sec. 32
requested to adopt a system of keeping the accounts in
the different departments of the city government as will
fully protect all the interests of the city, and to devise
a system of checks by which each department shall be
held responsible for all the receipts and expenditures.
No money shall be paid out for any purpose in any of
the departments, except through a warrant of the
Comptroller upon the City Register, and all moneys
received for any object or purpose whatever shall be
turned in to the City Comptroller, excepting that re-
ceived by the tax department, and by him delivered in
turn to the City Register.*

*For the due execution of sections 32 and 33, the following rules were adopted by the Mayor, Comptroller and Register on February 19, 1877:

1st. That the several departments of the city government, whenever the sum of money received by them respectively shall amount to five hundred dollars, shall report the same to the City Comptroller, specifying the source or sources from which it was received, and obtain from him a receiving warrant to pay such money to the City Register; provided, that no department shall be required to make more than one payment on any one day; and provided further, that all of the departments that may receive money as revenue shall, on the first Wednesday of each month, pay over to the City Register, on the receiving warrant of the Comptroller, such sum as may respectively be in their possession.

2d. That each department shall take duplicate bills of every item of expense it may contract for or incur, one of which shall be retained and filed in the department, and the other bill or voucher, with a warrant from such department on the Comptroller for the payment of the same, shall be sent to the City Comptroller; provided, that the pay rolls of each department may be drawn in favor of its proper accredited officer; such pay roll, however, to be filed in the office of the Comptroller as are other bills or vouch-

City Code, 1893. Art. 11, Sec. 33. 30. The officers of the city government who are charged with the duty of issuing warrants and checks in favor of the creditors of the city are imperatively required to be present in their respective offices on Tuesday and Friday of each week, from 9 o'clock A.M. to 2 o'clock P.M., in order to discharge, without delay, to the holders of claims against the city, the duties required of them under the preceding section.

Ibid., Sec. 34. Written orders for work and supplies. 31. It shall not be lawful for any officer, agent or employee of the city of Baltimore, or for any commissioner or board of commissioners elected or appointed by the Mayor and City Council to order any work to be done or supplies to be furnished for the use of the city of Baltimore, or any department or officer of the

ers; and provided further, that in case of contracts in which money may be payable on account, the department having a contract in charge shall take duplicate receipts, one of which shall be retained, and the other, with a warrant on the Comptroller, shall be sent to that officer.

3d. The offices of the Comptroller and the Register shall be open on Tuesday and Friday of each week, from 9 o'clock A.M. to 2 o'clock P.M., for the issuing of warrants and the payment of the same, respectively; and that all warrants issued by the departments for the payment of money, with accompanying bills or vouchers, shall, if required by the Comptroller, be deposited in his office before 12 o'clock M. on the day preceding the day of payment, to the end that the same may be audited and warrants issued without much detention on the day of payment; provided, that so much of this rule as may require a deposit in advance of the day of payment shall not apply to bills or warrants for the sum of ten dollars or less.

4th. The teachers and officers of the public schools, city officers, officers of the courts, as well as the expenses of the courts, shall be paid as provided by existing ordinances.

5th. Much embarrassment has been experienced in the filing and in the examination of papers on file, in consequence of many bills or vouchers being written on small slips of paper; therefore, no bill or voucher will be recognized at the office of the City Comptroller that measures less than seven inches by three and one-half inches, and which is not written in ink.

city, unless such order shall be given in writing and signed by the person giving such order.

32. There shall be kept in the office of each and every officer, agent, employee or board of commissioners who may order work to be done or supplies to be furnished, and for which payment is to be made by the Mayor and City Council of Baltimore, an official copy or memoranda of each and every order issued for work or supplies, with the probable cost of the same, which official copy or memoranda shall at all times be open to the inspection of the Mayor, Comptroller and members of the City Council of Baltimore.

33. It shall not be lawful for the Comptroller of the city of Baltimore to honor any bill or warrant for payment for work done or supplies ordered for the use of the city of Baltimore, or of any department or officer of the city of Baltimore, unless the written order for such work or supplies, signed by the person ordering the same, shall accompany the bill or warrant for payment.

JONES' FALLS.

34. The City Commissioner is hereby authorized and required to have regraded, rekerbed and repaved the following herein named streets, comprising all the streets, lanes, alleys and public thoroughfares within the district flooded by the freshet of Jones' Falls, July 14, 1868, or so much of the same as may be necessary ; the grades of the same shall be changed so that the lowest point on those streets shall not be below the heights specified and mentioned on the following named

streets, said heights being the number of feet above mean tide, namely: Centre street, between Calvert and Front streets, 21 feet; Franklin street, between Calvert and Holliday streets, 21 feet; Bath street, between Calvert and Front streets, $20\frac{1}{2}$ feet; Pleasant and Hillen streets, between Courtland and High streets, 20 feet; Saratoga street, between Courtland and Gay streets, 18 feet; Lexington street, between Calvert and Holliday streets, 16 feet; Fayette street, between Gay and High streets, $14\frac{1}{2}$ feet; Baltimore street, between Gay and High streets, 13 feet; Swan and Plownan streets, between Centre Market and High street, 12 feet; Second street and Fish Market Space, between Gay street and Jones' Falls, 11 feet; Lombard street, between Commerce and Albemarle streets, 10 feet; Pratt street, 7 feet at Commerce street, $8\frac{1}{2}$ feet at Centre Market Space, and thence to Albemarle street, 9 feet; and the grades of Calvert, Davis, North, Holliday, Gay, Frederick, Harrison and Front streets, Centre Market Space, Mill and Concord streets, and East and West Falls avenues, and all other streets, alleys or public thoroughfares or highways intersecting with the before named streets within the flooded district aforesaid shall be regraded, rekerbed and repaved as much as may be necessary, to conform to the regraded streets before named.

*City Code, 1893,
Art. 30, Sec. 2.*

*Sewer on west
side.*

35. A sewer shall be constructed on the west side of the said falls of such dimensions as may be deemed necessary, in the discretion of the City Commissioner.

Ibid., Sec. 3.

Measures to prevent damming of falls. 36. Whenever there is a prospect of an extraordinary rise in the waters of Jones' Falls, so as to threaten an overflow upon the adjacent property, it shall be the

duty of the City Commissioner, upon receiving information to that effect from any of the residents or property holders in that vicinity, to take prompt and active measures, and employ a sufficient force to prevent the obstruction or damming up of the said waters, and to draw on the Register, with the approbation of the Mayor, for the amount of any expenses that may be incurred in any such service.

37. The City Commissioner is hereby authorized *City Code, 1893,
Art. 30, Sec. 4.* and directed, whenever he shall deem it necessary, to notify the owner or owners of property binding upon Jones' Falls, within the limits of the city, to have the same walled upon the line of said Jones' Falls, with a good and sufficient stone wall, to such height as said Commissioner may direct, and to have the same backed up or filled with earth so as to secure such property from inundation by water, and when the same shall have been walled up wholly or in part, to rebuild or repair in a good and sufficient manner any such stone wall.

38. If any person or persons or body politic shall refuse or neglect to have any such wall built, rebuilt or repaired, as above provided for, within two months after receiving notice from said Commissioner, as set forth in the preceding section, it shall then be the duty of said Commissioner, and he is hereby authorized and directed to cause such wall to be built, rebuilt or repaired, as specified in said notice; and the cost thereof shall be a lien upon the property so walled up, repaired or rebuilt as aforesaid, to be recovered in due course of law from the owner or owners, or body politic, so refusing to build, rebuild or repair, after notice as aforesaid. *Ibid., Sec. 5.* *Duty of City Commissioner.*

Ibid., Sec. 6.^{How vessels}
shall enter.

39. All vessels entering the mouth of Jones' Falls shall be required to enter by the eastern side or channel thereof; and all vessels passing out the mouth of said Falls shall pass out by the western side or channel thereof; and all vessels, excepting steam vessels, passing in or out the mouth of said falls shall sound a horn to signal the keeper of the drawbridge; and no vessel shall be suffered to be anchored, moored or lie in said stream within one hundred and fifty feet from the city dock drawbridge. Any tugboat entering the mouth of said Jones' Falls shall be required to sound two blasts upon her steam whistle before reaching said mouth; and any tugboat passing out the mouth of said Falls shall in like manner give three blasts of her whistle; and no craft shall attempt to pass the middle of the centre pier of the drawbridge until the said draw shall be fully open and over the centre of the guard pier. In case of any violation of any of the requirements of this section the master or person in charge of the vessel, tugboat or other craft so offending, shall be liable to a penalty of five dollars for each and every offence; to be enforced as other fines for the violation of city ordinances are enforced.

*City Code, 1893,
Art. 30, Sec. 7.*^{Duties of}
bridge tender.

40. It shall be the duty of the bridge-tender in charge of the city dock drawbridge to notify any barge, flat-boat, scow or other mastless vessel which in the judgment of said bridge-tender shall be so loaded that said barge or other vessel cannot pass under the drawbridge without risk of injury to said bridge to stop until the draw of said bridge can be opened for the passage of said vessel. Any master or other person in charge of any such barge or other vessel who when so notified by

the bridge-tender shall refuse or fail to stop as aforesaid shall be liable to a fine of five dollars for each and every offence.

41. It shall be the duty of the bridge-tender to report *Ibid., Sec. 8.* all violations of this ordinance to the City Commis- ^{To report violations.} sioner at the City Hall.

RAILROADS.

TRACKS AND SWITCHES.

42. All railroad tracks and switches now laid, and <sup>*City Code, 1893,*
Art. 41, Sec. 11</sup> those that may be hereafter laid in any of the streets, lanes or alleys in the city of Baltimore, shall be filled ^{How to be laid.} up between the rails thereof within one and a half inches of the top of the iron rails, and raised with a convex form in the centre even with the top of said rails, with good even stone pavements, or by planking the same with two inch oak plank.

43. The owners and occupiers of all railroads and ^{*Ibid., Sec. 12.*} switches above referred to shall at all times keep them in good condition, as prescribed by this ordinance, un- ^{To be kept in good condition.} der a penalty of ten dollars for every day (after notice shall have been given) that any part thereof shall, in the opinion of the City Commissioner, require repairing; and in case of the neglect or refusal to do the same within the time specified in said notice, then said Commissioner shall have the same done in a good and sufficient manner, at the expense of said owner or occupier.

CONSTRUCTION OF RAILWAYS.

*City Code, 1893,
Art. 41, Sec. 19.* 44. It shall be the duty of the City Commissioner from time to time to examine the construction of the several railway tracks authorized by ordinances to be laid within the limits of the city, and to report to the Mayor any obstruction or impediment to the ordinary use of any street or streets caused by the said tracks being improperly laid and not being in conformity with the provisions of the ordinances authorizing their construction; and it shall be the duty of the Mayor to enforce the ordinance relating to the removal of said tracks, unless in his judgment the remedy shall be furnished by the enactment contained in the succeeding section.

*City Code, 1893,
Art. 4, Sec. 20.* 45. It shall and may be lawful for the Mayor of the city to exercise his discretion in all cases where an obstruction or impediment is caused by the mode of construction of any railway within the city to the ordinary use of said street, to have the said track entirely removed, or to have the said track so altered or arranged as to abate the evil complained of by giving notice to said companies or owners of said railway tracks, who shall be allowed a reasonable time to make said alteration under the direction of the City Commissioner; and upon a failure on the part of said companies or owners to comply with the said notice, it shall be the duty of the City Commissioner to have the said work done, and the bills shall be collected from the owners of said railway tracks by legal proceedings, if the same shall be disputed or remain unpaid for the space of thirty days.

46. It shall be the duty of the City Commissioner to *Ibid.*, Sec. 21. examine the construction of said railways and enforce strictly all the provisions of ordinances relating to the obstruction of the gutters caused by the laying of said railway tracks; and in all cases of obstruction and impediments of any kind arising from the improper construction of railway tracks, in which no other remedy is now provided by ordinance, it shall be the duty of the City Commissioner to give notice to the owners of said railway tracks that unless the said obstructions be removed or altered so as to remedy the evil complained of within a reasonable time, the City Commissioner shall proceed to have the said railway reconstructed at the cost of the owners aforesaid.

Obstruction of gutters.

47. If at any time hereafter any railway shall be constructed within the limits of the city, in a mode or manner so as to obstruct the ordinary use of the street *City Code, 1893,
Art. 41, Sec. 22.* *Penalty.* or streets in which the said railway shall be laid down, the owners of said railway shall be subject to a penalty of one hundred dollars, and be liable to a fine of five dollars for each and every day such obstructions shall be permitted to remain after notice of the City Commissioner to remove the same.

STEAM RAILWAYS.

BALTIMORE AND OHIO RAILROAD.

48. All the rights and privileges, and each and every authority and permission heretofore granted to or conferred upon the Baltimore and Ohio Railroad Company by ordinances heretofore duly passed by the Mayor and City Council of Baltimore, and in force on the first day of March, 1892, are hereby confirmed, subject to all the *Ibid., Sec. 23.* *Ordinances confirmed.*

terms, obligations, reservations, conditions, limitations, restrictions, provisos and penalties contained in said ordinances, as fully as if the said ordinances were in this Code set out at length.*

BALTIMORE AND POTOMAC RAILROAD AND NORTHERN CENTRAL RAILWAY.

*City Code, 1893,
Art. 41, Sec. 24.*
Ordinances confirmed.

49. All the rights and privileges, authority and permission heretofore granted to or conferred upon the Baltimore and Potomac Railroad Company and upon the Northern Central Railway Company by ordinances heretofore duly passed by the Mayor and City Council of Baltimore, and in force on the first day of March, 1892, are hereby confirmed, subject to all the terms, obligations, reservations, conditions, limitations, restrictions, provisos and penalties contained in said ordinances as fully as if the said ordinances were in this Code set out at length.†

*The several ordinances relating to the Baltimore and Ohio Railroad Company are as follows: No. 28, March 28, 1829. No. 18, April 4, 1831. No. 34, April 25, 1831. No. 41, April 6, 1832. No. 48, May 24, 1833. No. 41, April 7, 1837. No. 21, April 19, 1845. No. 37, May 2, 1845. No. 21, 1845. No. 38, May 18, 1860. No. 101, October 18, 1860. No. 72, May 18, 1864. No. 6, March 20, 1867. No. 22, April 10, 1868. No. 52, July 17, 1869. No. 45, June 8, 1874. Res. No. 198, April 10, 1873. No. 100, May 11, 1880. No. 122, May 5, 1880. No. 146, October 22, 1880. Res. No. 148, May 11, 1880. No. 63, May 5, 1881. No. 98, May 21, 1881. No. 7, May 23, 1882. No. 9, February 21, 1882. No. 11, March 9, 1883. No. 41, April 25, 1883. No. 119, June 2, 1884. No. 10, March 11, 1885. No. 16, March 18, 1885. No. 12, March 24, 1887. No. 7, March 14, 1888. No. 63, May 16, 1889. No. 87, June 7, 1889.

†The several ordinances relating to the Baltimore and Potomac Railroad Company are as follows: No. 26, May 29, 1869. No. 49, April 25, 1870. No. 26, May 29, 1869.

The several ordinances relating to the Northern Central Railway Company are as follows: No. 33, April 25, 1831. No. 31, April 10, 1837. No. 36, April 19, 1839. No. 55, June 20, 1854. No. 51, June 10, 1857. No. 59, May 11, 1863. No. 31, May 18, 1865. No. 76, June 20, 1866. No. 38, May 5, 1874. No. 119, October 19, 1882. No. 62, May 3, 1882. No. 88, May 24, 1884. No. 89, May 24, 1884. No. 155, October 21, 1889. No. 132, June 11, 1890.

PHILADELPHIA, WILMINGTON AND BALTIMORE RAILROAD.

50. In like manner, all and singular, the rights, and *Ibid., Sec. 25.* privileges, authority and permission heretofore granted to or conferred upon the Philadelphia, Wilmington and Baltimore Railroad Company, by ordinances heretofore passed by the Mayor and City Council of Baltimore, and in force on the first day of March, 1892, are hereby confirmed, subject to all the terms, obligations, reservations, conditions, limitations, restrictions, provisos and penalties contained in said ordinances, as fully as if the said ordinances were in this Code set out at length.*

Ordinances confirmed.

UNION RAILROAD.

51. In like manner, all and singular, the rights and *City Code, 1893,
Art. 41, Sec. 26.* privileges, authority and permission heretofore granted to or conferred upon the Union Railroad Company by ordinances heretofore duly passed by the Mayor and City Council of Baltimore, and in force on the first day of March, 1892, are hereby confirmed, subject to all the terms, obligations, reservations, conditions, limitations, restrictions, provisos and penalties contained in said ordinances, as fully as if the said ordinances were in this Code set out at length.†

Ordinances confirmed.

*The several ordinances relating to the Philadelphia, Wilmington and Baltimore Railroad Company are as follows: No. , August 2, 1887. No. 70, June 16, 1853. No. 14, April 18, 1862. No. 119, October 19, 1882. Res. No. 44, March 16, 1886. Res. No. 152, November 6, 1889.

†The several ordinances relating to the Union Railroad Company are as follows: No. 2, December 1, 1870. No. 77, June 21, 1873. No. 36, April 5, 1890.

**WESTERN MARYLAND RAILROAD, WESTERN MARYLAND
TIDEWATER RAILROAD AND WESTERN MARY-
LAND RAILROAD TERMINAL.**

Ibid., Sec. 27.

Ordinances confirmed.

52. In like manner, all and singular, the rights and privileges, authority and permission heretofore granted to or conferred upon the Western Maryland Railroad Company, the Western Maryland Terminal Company, and the Western Maryland Tidewater Railroad Company, by ordinances heretofore duly passed by the Mayor and City Council of Baltimore, and in force on the first day of March, 1892, are hereby confirmed, subject to all the terms, obligations, reservations, conditions, limitations, restrictions, provisos and penalties contained in said ordinances, as fully as if the said ordinances were in this Code set out at length.*

BALTIMORE BELT RAILROAD.

*City Code, 1893,
Art. 41, Sec. 28.*

Ordinances confirmed.

53. All the provisions of Ordinances Nos. 83 and 84, approved May 14, 1890, relating to the route of the railroad of the Baltimore Belt Railroad Company through the city of Baltimore, and the mode, terms and conditions of the building and construction of said railroad within said city, and authorizing said company in the construction of its railroad to make certain uses of the streets of said city, are hereby re-enacted and confirmed as fully as if the same were herein reproduced at length.

*The several ordinances relating to the Western Maryland Railroad Company, the Western Maryland Terminal Company, and the Western Maryland Tidewater Railroad Company, are as follows: No. 95, October 22, 1873. No. 22, April 3, 1879. No. 33, April 17, 1879. No. 71, May 10, 1882. No. 92, May 25, 1882. No. 114, October 9, 1882. No. 11, March 10, 1886. No. 23, April 5, 1889. No. 133, June 11, 1890.

54. All the provisions of Ordinances No. 51, approved *City Code, 1893,
Art. 41, Sec. 28a.* April 18, 1892, and No. 19, approved February 27, 1893, relating to the Baltimore Belt Railroad Company, are hereby re-enacted and ordained as fully as if the same were herein reproduced at length.

Ordinances
re-enacted.

BALTIMORE AND LEHIGH RAILROAD.

55. The provisions of Ordinance No. 94, approved May *Ibid., Sec. 29* 18, 1881, and of Ordinance No. 27, approved March 20, 1882, relating to the Baltimore and Delta Railroad Company, now known by the name of the Baltimore and Lehigh Railroad Company, are hereby re-enacted and confirmed as fully as if the same were herein reproduced at length.

Ordinances
confirmed.

STREET PASSENGER RAILWAYS.

TRACKS ACROSS BRIDGES.

56. It shall not be lawful for any passenger railway company to construct any railway track over any of the bridges belonging to the city of Baltimore in any other manner than by notching the regular form of rail, or by laying a bar three-fourths to one inch in thickness on the top of the floor of the bridge; and any person or persons or body corporate who shall violate the provisions of this section shall forfeit and pay a penalty of twenty dollars, and a further penalty of ten dollars for every day such violation shall be continued, to be recovered in the same manner as other fines and penalties are now recoverable.

*City Code, 1893,
Art. 41, Sec. 30.*

Street rail-
ways, how to
be built across
bridges.

REPAIRS TO STREETS.

*City Code, 1893,
Art. 41, Sec. 34.*

Streets between tracks
and for two
feet on each
side to be kept
in repair.

57. Said railway companies shall keep the streets covered by said tracks, and extending two feet on the outer limits of either side of said tracks, in thorough repair, at their own expense, and shall free the same from snow or other obstructions, in doing which they shall not cause to be obstructed the other portions of the street on either side of the railway tracks authorized by this article to be constructed, and for non-compliance the Mayor and City Council may impose such reasonable fines, not exceeding twenty dollars per square, to be collected as other fines are now collected.

Ibid., Sec. 35.

Penalty for
failing to put
streets in re-
pair.

58. For each and every case of neglect, failure or refusal on the part of any of the street passenger railway companies of this city to put in thorough repair, at their own expense, the streets in which their tracks are laid, in the manner specified in the ordinance granting to said company or companies the use of said streets, after being duly notified by the City Commissioner in writing, of the necessity for such repairs, the company so neglecting, failing or refusing to make such repairs, shall pay a fine of twenty dollars for every square on the route or line of tracks of said company, in or along which it shall so neglect, fail or refuse to put said streets in repair; said fines to be enforced as other fines for the violation of city ordinances are.

SAND ON RAILS.

*City Code, 1893,
Art. 41, Sec. 36.*

Sand or gravel
may be used
upon rails.

59. The several street railway companies are authorized, from time to time, to spread clean sand or gravel upon and between their rails.

BALTIMORE CITY PASSENGER RAILWAY COMPANY.

60. All the provisions of all the ordinances of the *Ibid., Sec. 37.*
 Mayor and City Council of Baltimore heretofore duly ^{Ordinances confirmed.} passed, relating to the Baltimore City Passenger Rail- way Company, and in force on March 1, 1892, are hereby re-enacted and ordained as fully as if the same were herein reproduced at length.*

61. All the provisions of Ordinances No. 66, approved *City Code, 1893,
Art. 41, Sec. 37a.* April 29, 1892, and No. 102, approved October 8, 1892, relating to the Baltimore City Passenger Railway Com- ^{Ordinances re-enacted.} pany are hereby re-enacted and ordained as fully as if the same were herein reproduced at length.

BALTIMORE TRACTION COMPANY.

Formerly the Citizens' Railway Company.

62. All the provisions of all the ordinances of the *Ibid., Sec. 38.*
 Mayor and City Council of Baltimore relating to the ^{Ordinances confirmed.} Citizens' Railway, heretofore duly passed and in force on March 1, 1892, are hereby re-enacted and ordained as fully as if the same were herein reproduced at length.†

*These ordinances are as follows: No. 44, March 28, 1859. No. 44, June 28, 1830. No. 70, August 1, 1860. No. 54, September 11, 1865. No. 9, February 23, 1866. No. 21, May 11, 1869. No. 27, March 30, 1870. No. 27, March 30, 1870. No. 3, November 29, 1870. No. 4, November 18, 1871. No. 88, July 5, 1872. No. 147, October 9, 1875. No. 49, May 14, 1879. No. 20, March 16, 1880. No. 102, June 16, 1880. No. 80, May 14, 1885. No. 85, May 18, 1887. No. 115, October 18, 1887. No. 35, April 26, 1889. No. 79, May 15, 1889. No. 93, June 7, 1889. No. 172, November 8, 1889.

†These ordinances are as follows: No. 70, July 9, 1868. No. 85, June 29, 1870. No. 109, June 19, 1871. No. 7, November 22, 1871. No. 2, November 17, 1874. No. 88, October 4, 1878. No. 22, March 25, 1884. No. 41, April 18, 1887. No. 56, May 4, 1887. No. 18, March 22, 1889. No. 123, June 7, 1890.

CENTRAL RAILWAY.

City Code, 1893. 63. All the provisions of all the ordinances of the Mayor and City Council of Baltimore, duly passed and in force on March 1, 1892, relating to the Central Passenger Railway Company, are hereby re-enacted and ordained as fully as if the same were reproduced in this Code at length. All the provisions of all the ordinances of the Mayor and City Council of Baltimore, duly passed and in force on March 1, 1892, relating to the Central Cross Town Line, are hereby re-enacted and ordained as fully as if the same were reproduced in this code at length.*

City Code, 1893. 64. All the provisions of Ordinances No. 19, approved March 2, 1892, and No. 62, approved April 27, 1892, relating to the Central Railway Company, are hereby re-enacted and ordained as fully as if the same were reproduced herein at length.

BALTIMORE AND HALL'S SPRINGS RAILWAY.

Ibid., Sec. 40. 65. All the provisions of all the ordinances of the Mayor and City Council of Baltimore, relating to the Baltimore and Hall's Springs Railway Company, duly passed and in force on March 1, 1892, are hereby re-enacted and ordained as fully as if the same were reproduced in this Code at length.†

*These ordinances are as follows: No. 54, April 21, 1881. No. 57, April 27, 1881. No. 2, February 17, 1883. No. 114, May 29, 1884. No. 56, May 2, 1885. No. 154, July 2, 1890.

†These ordinances are as follows: No. 90, July 16, 1872. No. 107, October 18, 1872. No. 47, June 9, 1874. No. 101, May 25, 1875. No. 91, October 24, 1879. No. 83, March 31, 1880. No. 18, March 20, 1885.

HIGHLANDTOWN AND POINT BREEZE RAILWAY.

66. All the provisions of the several ordinances of the *Ibid., Sec. 41.* Mayor and City Council of Baltimore, relating to the Highlandtown and Point Breeze Railway, duly passed ^{Ordinances confirmed.} and in force on March 1, 1892, are hereby re-enacted and ordained as fully as if the same were herein reproduced at length.

BALTIMORE, CANTON AND POINT BREEZE RAILWAY.

67. All the provisions of Ordinance No. 50, approved *Ibid., Sec. 41a.* April 18, 1892, relating to the Baltimore, Canton and Point Breeze Railway Company of Baltimore city, are ^{Ordinance re-enacted.} hereby re-enacted and ordained as fully as if the same were herein reproduced at length.

BALTIMORE, PIMLICO AND PIKESVILLE RAILWAY.

68. The Baltimore, Pimlico and Pikesville Railway *Ibid., Sec. 42.* Company is authorized to use upon its road the Roberts Noiseless Steam Motor, from North avenue to the city ^{May use} ^{Roberts Noise-} ^{less Steam} ^{Motor.} limits, provided said motor shall not exhaust smoke or steam into the atmosphere.

THE NORTH AVENUE RAILWAY.

69. All the provisions of Ordinances No. 46, approved *City Code, 1893,* April 8, 1892, and No. 1, approved November 18, 1892, *Art. 41, Sec. 45a.* relating to the North Avenue Railway Company of ^{Ordinances} ^{re-enacted.} Baltimore city, are hereby re-enacted and ordained as fully as if the same were herein reproduced at length.

NORTH BALTIMORE PASSENGER RAILWAY.

Ibid., Sec. 46a. 70. All the provisions of Ordinance No. 23, approved
 Ordinance March 14, 1892, relating to the North Baltimore Passen-
 re-enacted. ger Railway Company, are hereby re-enacted and or-
 dained as fully as if the same were herein reproduced
 at length.

BALTIMORE AND RANDALLSTOWN RAILROAD.

City Code, 1893,
Art. 41, Sec. 43. 71. The provisions of Ordinance No. 68, approved
 Ordinance May 24, 1872, relating to the Baltimore and Randalls-
 confirmed. town Railroad, are hereby re-enacted and ordained as
 fully as if the same were herein reproduced at length.

BALTIMORE AND POWHATAN RAILWAY.

Ibid., Sec. 44. 72. The Baltimore and Powhatan Railway Company
 May use stor- is authorized to use as a motive power for propelling its
 age electricity. cars storage electricity, or such other improved motive
 power, excepting steam power, as said company shall
 elect to use upon its line of railway within the city
 limits, the same beginning at the northern terminal of
 the Edmondson avenue tracks of the North Baltimore
 Passenger Railway Company, and ending at the north-
 ern boundary of the present city limits, where the same
 intersects the Windsor road. The said Baltimore and
 Powhatan Railway Company shall have the privilege
 to erect the necessary engines, machinery and plant for
 the purposes herein granted under the rules governing
 the erection of buildings and placing of engines within
 the city limits.

NORTH AVENUE ELECTRIC RAILWAY.

73. All the provisions of the several ordinances of the *Ibid., Sec. 45.*
 Mayor and City Council of Baltimore, duly passed and
 in force on the first of March, 1892, relating to the ^{Ordinances confirmed.}
 North Avenue Electric Railway Company, are
 hereby re-enacted and ordained as fully as if the same
 were reproduced in this Code at length.

NORTH BALTIMORE PASSENGER RAILWAY.

*Formerly called the Baltimore, Peabody Heights and
 Waverly Railroad.*

74. All the provisions of the several ordinances of *City Code, 1893,
 Art. 41, Sec. 46.*
 the Mayor and City Council of Baltimore, relating to
 the Baltimore, Peabody Heights and Waverly Railroad, ^{Ordinances confirmed.}
 and to the North Baltimore Passenger Railway Com-
 pany, duly passed and in force on the first day of
 March, 1892, are hereby re-enacted and ordained as
 fully as if the same were reproduced at length in this
 Code.*

THE PEOPLE'S RAILWAY.

*Formerly called the People's Passenger Railway
 Company.*

75. All the ordinances of the Mayor and City Council *Ibid., Sec. 47.*
 of Baltimore, relating to the People's Passenger Rail- ^{Ordinances confirmed.}
 way Company, and the People's Railway Company, duly

*The ordinances relating to the Baltimore, Peabody Heights and Waverly Railroad are as follows: No. 27, March 28, 1872. No. 74, June 7, 1872. No. 106, June 8, 1875. No. 36, April 28, 1879. No. 24, March 26, 1884. No. 25, April 2, 1885.

The ordinances relating to the North Baltimore Passenger Railway Company are as follows: No. 63, May 3, 1888. No. 42, May 9, 1889. No. 145, September 9, 1889.

passed and in force on first of March, 1892, are hereby re-enacted and ordained as fully as if the same were reproduced in this Code at length.†

THE BALTIMORE UNION PASSENGER RAILWAY.

*City Code, 1893,
Art. 41, Sec. 48.
Ordinances confirmed.* 76. All the provisions of the ordinances of the Mayor and City Council of Baltimore relating to the Baltimore Union Passenger Railway Company, duly passed and in force on first of March, 1892, are hereby re-enacted and ordained as fully as if the same were reproduced in this Code at length.*

BALTIMORE UNION PASSENGER RAILWAY, HIGHLANDTOWN AND POINT BREEZE RAILWAY, AND THE CITY AND SUBURBAN RAILWAY.

*Ibid., Sec. 48a.
Ordinances re-enacted.* 77. All the provisions of Ordinance No. 47, approved April 8, 1892, relating to the Baltimore Union Passenger Railway Company, and of Ordinance No. 121, approved May 4, 1893, relating to the City and Suburban Railway Company, the successor of the Baltimore Union Passenger Railway Company, and the Highlandtown and Point Breeze Railway Company, are hereby re-enacted and ordained as fully as if the same were herein reproduced at length.

†These ordinances are as follows: No. 74, June 28, 1878. No. 105, October 23, 1878. No. 16, March 18, 1879. No. 76, July 5, 1879. No. 58, April 27, 1881. No. 49, May 2, 1884. No. 104, May 24, 1884. Res. No. 176, May 26, 1884. No. 80, June 2, 1886. No. 77, May 24, 1889.

*These ordinances are as follows: No. 150, October 25, 1880. No. 65, May 5, 1881. No. 40, April 6, 1882. No. 96, June 16, 1886. No. 98, September 30, 1887. No. 155, July 2, 1890.

BALTIMORE AND YORKTOWN TURNPIKE ROAD.

78. All the provisions of the ordinances of the Mayor *Ibid., Sec. 49.* and City Council relating to the Baltimore and Yorktown Turnpike Road, duly passed and in force on first of March, 1892, are hereby re-enacted and ordained as fully as if the same were reproduced in this Code at length.†

Ordinances confirmed.

ELECTRIC STORAGE COMPANY.

79. The Electric Storage Company of Baltimore city *Ibid., Sec. 50.* shall have the right to use one traction car or railway carriage, propelled by storage battery or batteries, upon any one or more of the tracks of railway and switches belonging to the respective passenger railway companies in the city of Baltimore, with the previous assent and permission of each of the passenger railway companies whose tracks are so used; provided, that such traction car or railway carriage so propelled shall not be propelled at a greater rate of speed than five miles per hour, except when there are grades requiring a greater speed, and that such speed shall not exceed the rate of six miles per hour; and that the person or persons having charge of such traction car or railway carriage so propelled shall ring a bell or strike a gong when approaching any and every cross street; the said Electric Storage Company of Baltimore city, using such traction car or railway carriage so propelled under the provisions of this section, and violating in such use any of the conditions herein set forth, shall be liable to a

May experiment on tracks with consent of railway companies.

† These ordinances are as follows: No. 7, February 17, 1863. No. 15, March 21, 1863. No. 40, June 20, 1865. No. 130, October 14, 1871. No. 55, April 30, 1873. No. 48, June 9, 1874. No. 100, May 27, 1881.

Penalty.

penalty of \$20 for every violation of any of such conditions; provided, however, that said company shall be responsible for any and all damage of every kind for the use of said track. The Mayor of the city of Baltimore may, in the exercise of his discretion, revoke at any time the permission hereby granted to said Electric Storage Company of Baltimore city.

THE EDMONDSON AVENUE, CATONSVILLE AND ELLICOTT CITY RAILWAY.

*City Code, 1893,
Art. 41, Sec. 51.* 80. All the provisions of Ordinance No. 109, approved October 17, 1892, relating to the Edmondson Avenue, Catonsville and Ellicott City Railway Company, are hereby re-enacted and ordained as fully as if the same were herein reproduced at length.

GENERAL.

*City Code, 1893,
Art. 41, Sec. 61.* 81. All ordinances relating to railroads in force at the time of the adoption of this Code, not herein specially referred to, are hereby re-enacted as fully as if herein reproduced at length.

REPAIRS BY RAILWAY COMPANIES.

*Ord. No. 12,
App. Feb. 23, 1893.* 82. It shall be the duty of the various city passenger and other railway companies, whenever it may be necessary for the purpose of repairing or repaving the beds of the streets within the present corporate limits, occupied by or between the tracks of any of the said companies, to remove any of the flagstones used as street crossings, or the granite or iron gutter-plates laid at the city's or their own expense, to replace the same properly after completing the said repairs or repaving.

Railway companies to replace the flag-stones.

83. It shall be the duty of the City Commissioner to *Ibid.*
 notify the proper officer or officers of any of said companies of the violation of the provisions of this ordinance, whenever the same may occur, and if after the lapse of ten days after giving the said notice the said company or companies neglect the same, then the said company or companies shall be liable to a fine of \$10 per day, during each day, until said stones or plates are replaced, the said fine to be collected in such manner as all other fines for violations of the city's ordinances are collected, and that this ordinance shall take effect from the date of its approval.

Duty of City
Commissioner.

Penalty.

FENDERS.

84. All city passenger railway companies using any *Ord. No. 100,
App. Oct. 6, 1894.*
 of the streets of Baltimore for the purpose of running thereon street railway cars propelled by any species of mechanical traction, shall provide for each car or train of cars a car-fender or fenders with both front and wheel guards of a design which the Mayor, Register and City Commissioner shall have certified in writing over their signatures to, in their judgment, comply with the requirements set forth in the report made to the commission appointed under the provisions of resolution of the Mayor and City Council, No. 184, approved April 28, 1894, by Mendes Cohen, engineer to said commission. A failure on the part of any of said companies to comply with the provisions of this ordinance within three months after the day of its approval, shall subject such company so in default to a fine or penalty of five dollars a day for each and every car operated without said fender or fenders; said fines to be collected as other fines and penalties for violation of city ordinances are collected.

Car'fenders
to be provided.

Penalty.

BOLTON LOT.

*Ord. No. 19,
App. Feb. 27, 1893.*

Preamble.

85. Whereas, By Section 3, of Ordinance No. 51, approved April 18, 1892, entitled "An ordinance to provide for the sale by the Mayor and City Council of Baltimore to the Baltimore Belt Railroad Company of a portion of the Bolton lot property, and for the improvement of the residue of said property as a public park," it is provided that so much of the property in said ordinance designated as the Bolton lot property as shall remain after the purchase by the Baltimore Belt Railroad Company of the portion of the said Bolton lot property particularly described in Section 1 of said Ordinance No. 51, of April 18, 1892, and which is required for depot purposes, shall be henceforth dedicated and used as a park for the use of the public; and

Preamble.

Whereas, It may not be for the public interest that said portion of said lot shall be so used and maintained as a public park, and may be for the public interests to use the same for other and different municipal purposes; and

Preamble.

Whereas, It is the intention of this ordinance to expressly repeal and modify said Section 3 of said Ordinance No. 51, of April 18, 1892, so far as the same may be construed in any way to obligate or bind the Mayor and City Council to maintain or keep any part of the said Bolton lot property for park purposes, or to in any way prevent the said Mayor and City Council from hereafter using said property for any other municipal purpose they may deem proper; therefore,

SECTION 1. Be it enacted and ordained by the Mayor and City Council of Baltimore, That Section 3 of Ordin-

nance No. 51, approved April 18, 1892, be repealed and re-enacted so as to read as follows:

SEC. 3. And be it further enacted and ordained, That in case said purchase be consummated, then on or before the first day of January, 1895, the Mayor shall, in writing, inform the president of the Baltimore Belt Railroad Company whether the city authorities desire and intend to use and maintain the portion of said Bolton lot not taken by the Belt Railroad Company as a park for the use of the public, and the hereinbefore mentioned deed, if executed and delivered as aforesaid, shall contain a covenant on the part of the said railroad company, binding it, in case the Mayor shall notify in writing within the above prescribed time its president that the city authorities do not intend to use said remaining portion of Bolton lot as a public park, to within three months after the receipt of such notice (or within such further time as the Mayor may designate, in no event, however, to exceed six months from the receipt of said notice), at its own expense to grade said lot in a manner satisfactory to the City Commissioner, and a further covenant on the part of said company, binding it, in case the Mayor shall within the prescribed time notify its president that the city authorities do intend to use said remaining portion of Bolton lot as a public park, to do, or cause to be done, at its own expense, all excavating, planting of trees and shrubs, sodding, making of walks and drives, and general improvements of that nature, for the purpose of fitting for the uses of a public park all the residue of said property not conveyed to the said company, the same to be done under the supervision of the Park Board, or its engineer or agent, and to the extent and manner they or he may

Mayor to notify the Belt R. R. Co. of the intention of the city to use or not to use a portion of the Bolton lot as a park.

Deed to contain a covenant

Deed to contain a further covenant. direct, and to complete such work not later than six months after the receipt of said notice; and a further covenant, that all that portion of the property to be conveyed to said company, which shall be used by it for the purpose of a roadway or walk to the depot court, shall remain at all times open to the public, and access to it shall never be obstructed by means of fencing, gates, or in any other manner, and nothing in this ordinance shall be construed as in any way preventing the Mayor and City Council from, at any time hereafter, changing the use of the portion of said Bolton lot property, not herein sold to the Belt Railroad Company, to any municipal uses other than that of a public park.

SEWERS.

City Code, 1893,
Art. 45, Sec. 1.
Board.

86. The Commissioners for Opening Streets, together with the City Commissioner, are hereby constituted a board to carry into effect the provisions of this article.

Ibid., Sec. 2.

Oath of Board.

87. In each and every case, before the commissioners shall proceed to act as a board in the exercise of the powers confided to them by this article, they shall severally take and subscribe the following oath or affirmation before a Justice of the Peace: "I, A. B., do swear, or solemnly, sincerely and truly declare and affirm, that I will, to the best of my judgment, knowledge and ability, faithfully, impartially and diligently execute the duties of a commissioner for the construction of sewers in the city of Baltimore, according to law and the ordinances of the Mayor and City Council of Baltimore.

88. The said oath or affirmation shall be recorded in *Ibid., Sec. 3.* a book to be provided by the said commissioners for the recording of their proceedings, and the justice in whose presence the said oath or affirmation shall be made and subscribed shall certify thereto under his hand in the same book.

Oath to be re-
corded.

89. The clerk to the Commissioners for Opening Streets *Ibid., Sec. 4.* shall keep a full and true record of all their proceedings in a book provided as aforesaid, under the direction and supervision of the City Solicitor, and in such form as he may describe; and the said clerk shall record all orders made by the said commissioners in regard to the performance of their duties, and make true copies of all notices by them directed to be published, and the certificate of the publication thereof; and shall perform such other necessary duties as the said commissioners shall require; and the said commissioners shall also have the power to obtain the services of the City Surveyor, and such other assistants and agents as they may deem necessary, in the exercise of their powers, and allow to the clerk, and each of the persons so employed by them, such compensation as may be fixed by ordinance, and if not so fixed, as the said commissioners may deem reasonable, and assess the said compensation and all other necessary charges; and the clerk and other persons to be so employed shall severally take and subscribe an oath or affirmation similar in substance to that required to be taken and subscribed by the commissioners, which shall be in like manner entered in the record of the proceedings of the said commissioners.

Duties of
clerk.

Services of
City Solicitor
and City Sur-
veyor.

*City Code, 1893,
Art. 45, Sec. 5.*

*Benefits and
damages.*

90. When the said commissioners shall assess a sum of money to be paid by any person or persons for benefits derived by such person or persons, by constructing, opening, enlarging or straightening any sewer, and shall assess a sum of money to be paid to the same persons for injury sustained by constructing, opening, enlarging or straightening any sewer, it shall and may be lawful, upon a certificate and abstract of title from the Examiner of Titles, for the Register or Collector to receive from such person or persons an assignment for the sum or sums so assessed as damages as aforesaid.

Ibid., Sec. 6.

*Proceedings
of board in ex-
ecuting ordi-
nance.*

91. Whenever the Mayor and City Council of Baltimore shall hereafter by ordinance direct the Commissioners for Opening Streets and Sewers to construct, open, enlarge or straighten any sewer within the bounds of this city, the said commissioners shall give at least thirty days' notice in at least two of the daily newspapers of the city, and also thirty days' notice, in writing, to the owners or agents of any private property through which any sewer may be intended to pass, of the object of the ordinance under which they are about to act, and of the day, hour and place of their first meeting under the said ordinance; and the said commissioners shall meet at the time and place mentioned in the notice given by them, and proceed to exercise the power and perform the duty assigned to and required of them, under and by virtue of this article, and ascertain whether any and what amount in value of damage will thereby be caused to the owner of any right or interest claimed in any ground or improvements within or adjacent to the said city, over and above the amount in value of benefit which will thereby

accrue to such owner, for which, taking into consideration all advantages and disadvantages, such owner ought to be compensated; and in addition thereto shall award to the occupant or occupants of any lot of ground or of any improvement that may be removed, such damages, if any, as the commissioners, or a majority of them, may believe such party or parties have sustained by such removal; and the said commissioners, after having ascertained the whole amount of damages as aforesaid, and after having added thereto an estimate made by them of the probable amount of expenses which will be incurred in the performance of the duties required of them as aforesaid, and also the expense incurred by the Register under the provisions of this article, shall proceed to assess all the ground and improvements within and adjacent to the city, the owners of which, as such, the said commissioners shall decide and deem to be directly benefited by accomplishing the object authorized in the ordinance aforesaid, being governed as far as practicable by the number of superficial feet drained; and should the direct benefits assessed as aforesaid not be equal to the damage and expenses incurred, the balance of said expenses and damages shall be paid by the City Register and be taken out of the general levy; subject, nevertheless, to all such restrictions exempting certain descriptions of property from assessment as are contained in any law of the State or in any ordinance of the city.

92. In every case where it shall be necessary, in order *City Code, 1893,
Art. 45, Sec. 7.* to effect the object proposed, that a part only of a house and lot, or of a lot, shall be taken and used or destroyed, and the owner or owners thereof shall claim to <sup>Proceedings
where part
only of proper-
ty is taken.</sup>

be compensated for the whole, the said commissioners may ascertain the full value thereof, as if the whole lot and improvements were necessary to be taken and used for such proposed object, and the whole amount of such valuation, when finally decided on, shall be paid or tendered to the owner or owners thereof, or invested in city stock for his, her or their use before any part thereof shall be destroyed, removed or used, unless such owner or owners shall assent thereto in writing, as provided in Section 14 of this article; and the said commissioners, after giving ten days' notice in two of the daily newspapers of the city, of the time and place, manner and terms of sale, shall sell the materials of any house which it shall be necessary to remove, in whole or in part, and the residue of any lot of which a part shall be taken and used as necessary to effect the object confided to the commissioners, and for the whole of which the commissioners may award compensation as hereinbefore provided, at public auction, to the highest bidder for cash, to be paid on the day when full possession shall be given of the property or materials so sold; and the said commissioners, or a majority of them, on receiving the price or sum of money so bid, shall by a good and sufficient deed, to be executed and acknowledged by them in the form and manner required by law for conveying the title of lands in this State, convey any ground by them so sold to the purchaser thereof; and such sale shall be made before the commissioners shall proceed to assess the amount of damages and expenses to be assessed as directed by this article; and the said commissioners are duly empowered to take and receive a bond of the purchaser of the property or materials aforesaid, with a

penalty to the Mayor and City Council of Baltimore, that the price for which the same was sold shall be duly paid at such time as they, the said commissioners, are prepared to deliver possession of said property and materials, and that the said purchaser shall remove, within sixty days thereafter, such materials so sold, and all rubbish or other obstructions occasioned thereby, and in the event of the purchasers failing forthwith to comply with the terms of said sale, the commissioners shall resell the said property or materials at the risk of the former purchaser or purchasers, giving not less than five days' notice of said sale in two of the daily newspapers of the city aforesaid; provided, however, that when, in the opinion of said commissioners, the part of a lot necessary to effect the object proposed can be taken without destroying the whole lot for the purpose for which it is used, or for building purposes, then said commissioners shall condemn such part only of such lot as is necessary for the proposed object, and shall award to the owner or owners of the part of the lot so taken such damages, and assess the remainder thereof such benefits as in their judgment shall be just and proper; provided further, that when a lot is destroyed for the purposes for which it is used, or for building purposes, then the said commissioners shall give a notice in writing to the owner or owners thereof, or their agent or agents, of the damage about to be sustained, and such owner or owners, or their agent or agents as aforesaid, shall have the space of thirty days to determine whether they will or not surrender the lot so damaged.

*City Code, 1893.
Art. 45, Sec. 8.*

*Statement of
proceedings to
be filed with
City Register.*

93. As soon as the commissioners aforesaid shall have completed the valuation of damages ascertained by them, as directed by Section 6 of this article, they shall cause a statement thereof to be made out and placed in the office of the City Register for the inspection of all persons desiring information of its contents, and such statement, together with an explanatory map or maps, shall contain a correct description of each separate lot or parcel of ground deemed to have sustained damages, its length and breadth, the name of any street, square, lane or alley on which it bounds; the names of all persons who shall claim any estate or interest in it, and the amount of damages as valued by the commissioners; and if there be any house or other improvement on it necessary to be removed in whole or part, a description of the size and such other particulars as the commissioners shall deem proper, and in like manner a description of each parcel of ground deemed by the commissioners to be benefited, the name or names of such person or persons as shall claim any estate or interest therein and the amount assessed thereon for benefits; and the commissioners shall cause a notice to

*Notice by ad-
vertisement of
review of pro-
ceedings.*

be published four successive days, in three daily newspapers of the city, stating the extent of the ground covered by the assessment, and that such statement and map or maps have been so deposited with the Register for examination, and that the commissioners will meet at the office of the Commissioners for Opening Streets and Sewers on a day in such notice to be named, which shall be within ten days after the first publication of such notice, to review any of the several matters set forth in the said statement, to which any person claiming to be interested therein shall, on that day so ap-

pointed, make objection; and the commissioners shall meet at the time and place so appointed, and consider all such representations and testimony on oath or affirmation, verbal or in writing, in relation to any matter in said statement which shall be offered to them on behalf of any person claiming to be interested therein; and the said commissioners shall make all such corrections and alterations in the valuations, assessments and estimates, and all other matters contained in the said statements and explanatory map or maps aforesaid, as in their judgment shall appear to them, or a majority of them, to be just and proper; and they may adjourn from day to day, if necessary, to give all parties claiming a review an opportunity to be heard, not exceeding in the whole ten days; and after closing such review the commissioners shall make all such corrections in their statement and explanatory map or maps as they shall deem proper, and cause such statement and map or maps so corrected and certified under the hands and seals of said commissioners and their clerk, to be deposited in the office of the Register as one of the records of the city; and it shall be the duty of the Register within five days after said proceedings shall have been deposited in his office, to notify all persons interested, by an advertisement to be inserted once a week for four successive weeks in three of the daily newspapers of the city, that the said assessment and maps have been so placed in his office, and that the parties interested therein are entitled to appeal therefrom by petition in writing to the Baltimore City Court.

Notice by
Register.

*City Code, 1893,
Art. 45, Sec. 9.*

*Appeal and
proceedings
upon appeal to
Baltimore City
Court.*

94. Any person or persons, or corporations, who may be dissatisfied with the assessment of damages or benefits as hereinbefore provided may, within thirty days after the return of corrected statement and map or maps to the Register, as provided in the eighth section of this article, and the first publication of the notice thereof by the Register, appeal therefrom, by petition in writing, to the Baltimore City Court, praying the said court to review the same, and on any such appeal the court may and shall appoint a day for hearing said appeal, which shall not be less than five nor more than thirty days after the expiration of the thirty days limited for taking appeals as aforesaid, and shall direct the clerk of the said court to issue a *subpæna duces tecum* to the Register of the City, requiring him to produce and deliver to said court the record of the proceedings of the Board of Commissioners in the case, and all maps, plats, documents and papers connected with such record; and the said Baltimore City Court shall have full power to hear and fully examine the subject and decide on the said appeal, and for that purpose is hereby authorized and empowered to adjourn from time to time, and may cause all such appeals to be consolidated, or may hear and decide them separately, and may require the said commissioners, their clerks, surveyor or other agents and servants, or any of them, and all such other persons as the court shall deem necessary to attend and examine them on oath or affirmation, and may permit and require all such explanations, amendments and additions be made to and of the said record of the proceedings as the said court shall deem requisite; and the persons appealing to the Baltimore City Court as aforesaid shall be secured in

the right of a jury trial, and the said court shall direct the Sheriff of Baltimore City to summon twelve or more persons qualified to be jurors, and shall empanel any twelve disinterested persons so summoned or attending the court to try any question of facts, and if necessary to view any property in the city or adjacent thereto to ascertain and decide on the amount of damages or benefits under the direction of the court; and the said court shall not reject or set aside the record of the proceedings of the said commissioners for any defect or omission in either form or substance, but shall amend or supply all such defects and omissions, and increase or reduce the amount of damages and benefits assessed, and alter, modify and correct the said return of proceedings in all or any of its parts as the said court shall deem just and proper, and shall cause the proceedings and decisions on said returns and appeals to be entered in the book containing the record of the proceedings of the commissioners, certified by the clerk, under the seal of the court, and the book to be transmitted to the Register of the City, which shall be final and conclusive in every respect, unless an appeal be taken to the Court of Appeals, and such records, book or copy of the proceedings therein, or any part of such proceedings, whether in court or out of court, certified by the Register of the City, under the corporate seal of the city, shall be evidence in any court in this State; and the Judge of the Baltimore City Court shall have full power, in his discretion, to add the reasonable costs of any appeal, to be taxed by him, or any part thereof, to the damages to be collected for constructing, opening, enlarging or straightening any sewer, or to require such cost, or any part thereof, to be paid by all, or by either

of the appellants, as the circumstances of each appeal in his opinion shall justify.

*City Code, 1893,
Art. 45, Sec. 10.*

*Transfers of
proceedings to
City Collector.*

95. If no appeal shall have been prayed within ten days after the time hereinbefore limited therefor, or after the return of the decision upon any appeal shall have been made to the Register, the said Register shall transfer the said commissioner's return to the Collector, who shall proceed forthwith to notify the parties assessed for benefits, by means of bills specifying the several sums so assessed, and warning them that if the same be not paid within six months from the date of such transfer of said commissioners' return, he will proceed to sell the specific piece or parts of property on which such unpaid sum or sums of money shall have been assessed, in the manner, and after having given the notice directed by the eleventh section of this ordinance.

Ibid., Sec. 11.

*Sale of prop-
erty for non-
payment of
benefits.*

96. If the sums assessed upon the property benefited shall not be paid within the time above limited, the Collector is hereby authorized and directed to sell the property or any part thereof on which such assessment has been laid, giving not less than thirty days' nor more than sixty days' notice of said sale in two of the daily newspapers published in the city of Baltimore; said notice to be published within ten days after the expiration of the time limited in the tenth section for the payments of said benefits, and the moneys so collected by the Collector shall be paid over by him to the Mayor and City Council of Baltimore, as other moneys are directed to be paid over, and by them to the persons entitled to receive the same.

97. In all cases in which the City Collector shall sell *Ibid., Sec. 12.*
any property on account of the non-payment of assessments made for the constructing, opening, enlarging or straightening of any sewer, it shall be his duty to sell said property to the extent and subject to the same conditions which are provided by ordinance for the sale of real estate in the city of Baltimore, charged with the payment of other taxes imposed by this corporation; and in the event of the purchaser or purchasers failing forthwith to comply with the terms of said sale, the Collector shall resell the same at the risk of the former purchaser, giving not less than ten days' notice in two of the daily newspapers of the city aforesaid; and after collecting the benefit assessments he shall forthwith return the proceedings of said commissioners to the City Comptroller.

98. The Collector on receiving the full amount of the purchase money on such sale shall execute a deed of conveyance in favor of the purchaser or purchasers, or their assigns or assignees, which deed shall convey a fee simple or leasehold estate, as the case may be, in and to such property; and after deducting the costs of sales, advertising and other necessary expenses, he shall pay the balance of such purchase money to the the Mayor and City Council of Baltimore, who shall pay over the said balance, after deducting the amount assessed on said property, to the person or persons entitled thereto on demand without interest.

99. All the sums of money assessed by the commissioners aforesaid, upon property deemed by them to be benefited, shall be and continue liens on each several piece of property so assessed to the amount of its par-

Ibid., Sec. 14.

Benefits to be
liens on prop-
erty.

ticular assessment, until the same shall be paid to the city; but no sewer shall be constructed, opened, enlarged or straightened on or under the ground of any person or persons, or corporations adjudged by the commissioners to be entitled to damages for said opening and so forth, without the consent in writing of the person or corporation so entitled, until such damages shall be paid, or the amount thereof invested in the city stock for the use of each person or corporation entitled to any part of the compensation for such damages to the amount of his, her or their respective right and interest therein, of which investment the Register's certificate, under the corporate seal of the city, shall be competent proof.

100. Any person or persons not claiming title to any lot or piece of property upon which any sums shall be assessed as aforesaid, may pay the amount of the sum so assessed within the time limited, to the Register

*City Code, 1893,
Art. 45, Sec. 15.*

Lien transferable to third party paying benefits.

of the City, and obtain his certificate of having paid such sum without claiming title to the property, and such payments shall vest in the person or persons paying, his, her or their heirs the lien on such lot or property mentioned in Section 99 of this article.

Ibid., Sec. 16.

Appointment of special commissioners.

101. If it should so happen that any one or more of said commissioners should be interested in any particular case, the Mayor shall make a temporary appointment of a commissioner or commissioners to act in the place and stead of such interested commissioner or commissioners, who shall take the oath or affirmation, as the case may be, and in all respects conduct himself as the commissioners who are biennially appointed.

102. In case the said commissioners shall commence *Ibid., Sec. 17.* any proceedings by virtue of this article, they shall be allowed not exceeding ninety days to complete the same; provided, should said commissioners ascertain it to be impracticable so to complete the said proceedings they shall make to the Mayor or City Council a full and explicit report of the cause or causes of such inability, together with all such other matters connected therewith as the Mayor or City Council may from time to time require, and shall suspend all further proceedings until otherwise directed.

Proceedings
to be completed
within 90 days.

Proviso.

103. The said commissioners shall proceed to close all their work, notwithstanding they may not be reappointed, within six months from and after the expiration of the time for which they were appointed by virtue of the first section of this article.

*City Code, 1893,
Art. 45, Sec. 18.*

Retiring commissioners
to have six
months to close
all their work.

104. Whenever any lot or part of a lot, or parcel of ground, may be taken for the purpose of constructing, opening, enlarging or straightening any sewer, and damages assessed therefor, and there shall be an outstanding unexpired term of years therein, the said commissioners shall discriminate in their proceedings between the value of fee simple or ground rent interest and the leasehold interest.

Fee and lease-
hold interest to
be discrimi-
nated.

105. Whenever any obstruction shall have remained in the way of any sewer so to be opened, enlarged or straightened, for the space of sixty days after the proceedings of the said commissioners shall have been returned to the Register of the city, it shall be the duty

Ibid., Sec. 20.

Obstructions
to be removed.

of said commissioners to cause the same to be removed, and to draw on the Register for the expenses so incurred, which shall be paid by him; and the Mayor shall forthwith cause a suit for the recovery of said expenses, to be instituted against the person or persons by whose default the said obstruction has been suffered to remain, and the same, when recovered, shall be paid to the Register for the use of the city.

Ibid., Sec. 21.

Per diem to commissioners. 106. In each case of constructing, enlarging or straightening any sewer, under the provisions of this article, the said commissioners shall, for each and every day in which they and their clerk shall be actually engaged in the performance of their duties, assess as part of the expenses of their proceedings, a per diem as to each of said commissioners and their clerks, of four dollars, to be collected as other expenses are, and to be paid to the Register for the use of the city.

*City Code, 1893,
Art. 45, Sec. 22.*

107. The Commissioners for Opening Streets and Sewers, so soon as they shall have completed their work on each sewer, shall deposit all papers and books relating thereto in the office of the City Register.

Ibid., Sec. 23.

*City Commis-
sioner to sur-
vey route.* 108. When the Mayor and City Council shall pass an ordinance for the opening, constructing, enlarging or straightening of any sewer within the limits of the city, the City Commissioner is hereby authorized and required to have surveyed the route of said sewer, and to determine the size the same shall be, and to take charge of and superintend the work of such opening, constructing, enlarging or straightening.

109. When it shall have been determined to open, *Ibid., Sec. 24.* construct, enlarge or straighten any sewer, under the provisions of this ordinance, and when the assessments and survey aforesaid shall have been made, the said City Commissioner shall advertise for thirty days in at least two of the daily newspapers of the city for proposals for the opening, constructing, etc., of such sewer, according to plans and specifications to be prepared by said City Commissioner; and the said City Commissioner shall award the contract for such opening, constructing, etc., to the lowest responsible bidder. *To advertise for proposals.*

110. Before any contract shall be executed under the provisions of the preceding section, the contractor or contractors shall enter into bonds with good and sufficient security, to be approved by the Mayor and Comptroller, in double the amount of the contract price, conditioned for the faithful and efficient performance of the work contracted for. *Contractor to give bond.*

111. If any person shall willfully stop or obstruct the passage of the water of any sewer, made or which may hereafter be made, he, she or they so offending shall forfeit and pay the sum of one hundred dollars for each and every such offence. *City Code, 1893, Art. 45, Sec. 26.* *Penalty for obstructing sewer.*

112. If any person or persons, owner or owners, occupier or occupiers, of any lot within the city of Baltimore, shall tap or open, or cause to be tapped or opened, any of the public sewers in the city, without first obtaining the permission of the City Commissioner and the approval of the Mayor, said person or persons, owner or owners, occupier or occupiers, shall forfeit and pay the sum of one hundred dollars for each and every such offence. *Ibid., Sec. 27.* *Unauthorized tapping of sewers.* *Penalty.*

pay the sum of twenty dollars for each and every such offence; and it shall be the duty of the City Commissioner to cause a notice to be served upon such person or persons, owner or owners, occupier or occupiers, directing any of said sewers to be closed when they have been tapped or opened, in the manner prescribed by said notice, and if such person or persons, owner or owners, occupier or occupiers, shall refuse or neglect to comply therewith, he, she or they so refusing or neglecting, shall forfeit and pay the further sum of five dollars for each and every day he, she or they shall continue to refuse or neglect to comply therewith, and shall moreover pay the expenses incurred in case such sewer shall be closed under the direction of the City Commissioner, which said commissioner is hereby authorized to have done in case of such neglect or refusal.

Ibid., Sec. 28.

Permit for private sewers.

113. It shall not be lawful for any person or persons to construct within the city limits a private sewer, under the streets, lanes or alleys that are paved, without having had and obtained the written permission of the City Commissioner, approved by the Mayor, under a penalty of twenty dollars, and ten dollars for each and every day the same shall remain; and every application for such permission to erect such sewer shall be in writing, signed by the person or persons making the same, and shall name the length desired.

*City Code, 1893,
Art. 45, Sec. 29.*

Payment Register.

114. After obtaining permission to construct or make such sewer, and previous to the commencement thereof, to the person or persons so applying shall therewith pay to the Register of the City the sum of twenty cents for

each lineal foot of ground mentioned as required for such sewer, under a penalty of twenty dollars for each and every commencement of such sewer without the payment of the sum herein required.

115. It shall not be lawful for the proprietor or proprietors of any gas works in the city of Baltimore, to allow any gas tar, or other similar refuse matter, to escape from their said gas house or gas works, as that the same may thereafter flow into any of the public sewers of the city of Baltimore, and said proprietors shall construct in connection with said gas works, under the supervision of the City Commissioner, such appliances as will in his judgment prevent the flow of said elements into any of said sewers; that any person or corporation offending against any provision of this section shall be subject to a fine of one hundred dollars (\$100) for each and every offence.

Ibid., Sec. 30.

Gas tar or
refuse matter
not to be per-
mitted to es-
cape into
sewer.

GRADES, GRADING, PAVING, ETC.

116. In all streets required by ordinances heretofore passed, "to be paved with sheet Trinidad Lake asphalt, to be of the best quality of refined Trinidad asphalt obtained from the so-called pitch or asphalt lake of the Island of Trinidad," the Mayor and City Commissioner are hereby authorized and directed to permit the use of what is known as Bermuda asphalt, or any other asphalt which has been found by experience equally as good for paving purposes, and in advertising for proposals for

*Ord. No. 32,
App. Apr. 16, 1895.*

To use Trini-
dad, Bermuda
or other as-
phalt for pav-
ing.

such repaving shall include the said Bermuda asphalt, or any other asphalt which has been found by experience equally as good for paving purposes, among the kinds of asphalt for which proposals will be accepted.

*Ord. No. 135,
App. Oct. 1, 1894.* 117. The Mayor and City Commissioner are hereby authorized and directed, when in their judgment it may

*To substitute
Mosaic pave-
ment for Bel-
gian block
pavements.* be for the public interests, to substitute the stone pavement known as the Mosaic pavement for the Belgian block pavements heretofore authorized by any city ordinance to be laid on any of the streets of this city. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance be and the same are hereby repealed.

*City Code, 1893,
Art. 48, Sec. 28.* 118. The City Commissioner may, on application in writing of the owner of any property binding thereon, proceed to establish the permanent grade line or lines of any street, lane or alley, or part thereof, now or hereafter to be marked, located, widened or straightened, or laid out upon the plan of the city, and may also, from time to time, upon similar application, make such changes in the grades of any unpaved streets, lanes or alleys, or parts thereof, as he may deem advisable. He shall keep in his office a record of such establishments or changes, and shall also make a written return of the same to the Register of the City, who shall record the same and preserve the original in the files of his office, and shall also collect the cost of such establishments or changes of grade from the person or persons making the application for the same.

Dashiell *vs.* M. & C. C., 45 Md., 615.

119. The City Commissioner is authorized to establish the permanent grade lines of any street or alley, or part thereof, which is located on Poppleton's Plat, or which is now or may hereafter be marked, located or laid out on the plan of said city, and whether said street or alley has been condemned and opened or not, whenever in his judgment the public interests require the establishment of said grade lines; the cost of said establishment to be paid for out of the appropriations for the City Commissioner's department; and before establishing the grade lines of any street or alley, or part thereof, the City Commissioner shall give five days' notice in three daily papers published in the city of Baltimore that he will appear on the premises on the day named in said notice for the purpose of establishing the said grade lines; and said City Commissioner, upon giving like notice, is hereby authorized to change and re-establish the grade lines of any unpaved street or alley, or part thereof, whenever in his judgment the public interests require such change; the cost of said change to be paid for out of the appropriations for the City Commissioner's department. Whenever the City Commissioner shall, under the provisions of this section, establish or change the grade line of any street or alley in the city of Baltimore, which has been by ordinance directed to be graded and paved, the cost of said establishment shall be added to the cost of the grading and paving of said street or alley, to be paid and collected as the said cost of grading and paving is paid and collected. And whenever the Commissioner of Health shall be of opinion that the public health requires the paving of any private alley, he shall issue a certificate to that effect directed to the

*City Code, 1893,
Art. 48, Sec. 29.*

*Establishment
of grade by
City Commis-
sioner, in his
judgment.*

City Commissioner, and thereupon the City Commissioner shall proceed as herein provided, and shall grade and pave the same according to the provisions of this article, so far as the same are applicable, and the cost of establishing said grade and grading and paving said alley shall be assessed on and collected from the owners of the property binding thereon, as provided in this article, and shall be a lien on said property until paid.

*City Code, 1893,
Art. 48, Sec. 30.*

*Grading and
paving upon
request of
property owners*

120. The City Commissioner, with the approbation of the Mayor, shall have full authority to grade, gravel, shell, pave or kerb any street, lane or alley, or part thereof, in the city of Baltimore, whenever the owners of a majority of the feet of ground binding on such street, lane or alley, or part thereof, shall apply for the same.

Ibid., Sec. 31.

*Notice in
such cases.*

121. When the City Commissioner shall receive an application in writing to grade, gravel, shell, pave or kerb any street, lane or alley, or part thereof, as provided in the foregoing section, it shall be his duty to give ten days' public notice, by advertisement in three newspapers, of the fact of such application, as also of the time and place when he intends to act, for the purpose of determining on such application.

Ibid., Sec. 32.

*Notice for
proposals.*

122. After such application has been made, and the public notice has been given, and the City Commissioner has determined to grade, gravel, shell, pave or kerb any street, lane or alley or part thereof, he shall give ten days' notice in three newspapers that proposals will be received for doing the same; the said proposals shall be

opened in the Mayor's office, and the contract shall be awarded to the lowest responsible bidder.

Dashiell vs. Mayor, &c., 45 Md. 615.

123. A tenant for ninety-nine years, or for ninety-nine years renewable forever, or the executor or administrator of such tenant, or the guardian of an infant owner, or a mortgagee in possession, shall be deemed and taken as an owner for the purposes of any application authorized by this ordinance, and the application of any such person shall bind the property so represented for any assessment or tax made under it.

*City Code, 1893,
Art. 48, Sec. 33.*

*Who to be
deemed owners*

124. Before the City Commissioner shall proceed to execute any ordinance which may be hereafter passed, for the grading, paving or kerbing or the repaving, regrading or rekerbing of any street, or alley, or the construction of any sewer, he shall procure and file in his office the written opinion of the City Counsellor, or the City Solicitor, certifying that all proper and necessary proceedings have been taken to authorize the Mayor and City Council of Baltimore to pass said ordinance, and that said ordinance is legally sufficient for the purpose for which it has been passed, and it shall be the duty of such one of the said law officers of the city as the City Commissioner shall apply to for the purpose to furnish the City Commissioner an opinion, in writing, of the purport above mentioned.

Ibid., Sec. 34.

*Preliminary
opinion of
Counsel or Soli-
citor that ordi-
nance is valid.*

125. After the contract has been awarded, as provided in Section 122, the City Commissioner shall impose a tax upon the owner or owners of property binding upon such street, lane or alley, or part thereof, equal in

*City Code, 1893,
Art. 48, Sec. 34.*

*Tax upon
prop'ty owners.*

amount to the whole expense of the work, and for collecting the same, being three per centum on the whole cost, except for cross streets; and he shall assess and lay the tax upon the owner or owners of property on each side of said street, lane or alley, or part thereof, of one-half of so much of said street, lane or alley as may be in front of such property, except for paving the portion reserved for sidewalks, being one-fifth of the whole width on each side thereof; and the said tax shall be a lien upon such property.

*City Code, 1893,
Art. 48, Sec. 36.*

*List of persons liable for
tax.*

126. After the contract has been awarded to grade, gravel, shell, pave or kerb any street, lane or alley, or parts thereof, the City Commissioner shall make a correct list of the names of the persons liable to pay the tax for the same, and the amount to be paid by each person; and he shall deliver to the City Collector a duplicate list of the names of such persons, and the amount to be paid by each, under his hand and seal, with directions for collecting the said tax, which shall be due in sixty days after the completion of the work and its acceptance by the City Commissioner; and it shall be the duty of said City Commissioner, upon the expiration of sixty days after the completion of such work, and its acceptance by him, to issue his warrant upon the City Register for the entire amount due under such contract, less ten per centum thereof, as provided by Section 116 of this article, in favor of such contractor, which, when approved by the Mayor, shall be paid by the Register upon the certificate of the City Comptroller.

127. The City Collector is directed to notify the persons named in the list of the City Commissioner, referred to in Section 126, of the fact that such work has been completed and accepted, and of the date when said tax or assessment therefor will become due; and it shall be the duty of the City Collector, upon the expiration of sixty days after such completion and acceptance, to collect at once, as other city taxes are collected, all assessments due for such work, charging interest at six per cent. from the time the same becomes due.

128. In all contracts for paving streets a provision shall be incorporated for putting down flag or stepping stones across all streets, lanes or alleys at their intersections with each other; and all flagstones to be hereafter used shall consist of two rows of gneiss, granite or other hard stone, two feet in width, and not less than five inches in thickness, and shall be so laid as that there shall be a space of one foot between said two rows of flagstones, which shall be paved with Belgian blocks, and the City Commissioner shall conform to the requirements of this section in all cases where flagstones shall hereafter be laid.

129. Streets, lanes or alleys, not more than twenty feet in width, hereafter to be paved, may be paved without kerbstones, provided the owners of a majority of the front feet binding thereon shall assent to the same, and the City Comimissioner shall deem it advisable so to pave such street, lane or alley.

130. All streets, lanes or alleys to be paved shall be paved with rubble-stone, or such other stone as the City Commissioner shall consider sufficiently durable, the

*Ibid., Sec. 37.
Notice to such persons.*

*City Code, 1893,
Art. 48, Sec. 38.*

Flag-stones.

Ibid., Sec. 39.

*What streets
to be paved
without kerb-
stones.*

*How streets
shall be paved.*

stone to be not less than sixteen square inches on the surface (except that part between the kerb and gutter, which may be of such smaller size as directed by the City Commissioner), and at least six inches in depth, to be placed upright in a bed of sharp sand or gravel, at least one foot in depth; and the interstices shall be filled up with stone of a size and quality to be prescribed by the City Commissioner; all paving to be rammed twice with rammers weighing fully eighty pounds; gutter-stones to be of good hard stone, not less than ten inches in breadth, one foot long and six inches in depth; the kerbstone to be not less than four and a-half inches in thickness, eighteen inches in depth and four feet in length, and the edge, which is to be fitted to the sidewalk, shall be straight and leveled to the pitch of the footways, and the two ends shall be made straight the whole depth, and the upper edge shall be of equal thickness throughout; provided, that in paving streets, lanes or alleys, not over twenty feet in width, the City Commissioner may, in his discretion, put the gutter in the centre thereof, in which case the kerb-stones to be used may be not less than fifteen inches in depth; and all kerbstones shall be set in a bed of sharp sand or gravel, as hereinbefore provided for the paving; and the contractor for paving any street, lane or alley shall give satisfactory security, to be approved by the Mayor, to keep the said pavement in repair for two years after its completion.

*City Code, 1893,
Art. 48, Sec. 41.* 131. The City Commissioner, or his assistants, shall examine all kerb, flag and gutter-stones intended to be used previously to their being laid; and all such stone not conforming to the provisions of this ordinance shall

*Inspection of
material be-
fore it is used.*

be condemned and rejected; and he shall also examine all paving before any sand has been thrown on it, and if the same be not laid in a good and substantial manner, and in accordance with the aforesaid provisions, he shall cause the same to be taken up and repaved at the cost of the contractor therefor; and if any contractor shall set any kerb, flag or gutter-stones or cover any paving with sand previously to inspection by the Commissioner or his assistant, he shall forfeit and pay a fine of twenty dollars for each and every offense.

132. The Mayor shall have full power, whenever he *Ibid., Sec. 42.* may deem it advisable, to sign, on behalf of the city ^{Mayor may sign for city.} corporation, any petition for the paving, grading or kerbing of streets, lanes or alleys, on which may front any property belonging to the city.

133. Whenever any street, lane or alley has been *Ibid., Sec. 43.* graded, graveled, shelled, kerbed or paved, in pursuance of this ordinance, the City Register shall pay the expense of the cross streets on the order of the City Commissioner.

134. The City Commissioner, with the approbation of the Mayor, shall have full authority to regrade, re-gravel, reshell, repave or rekerb any street, lane or alley, or part thereof, whenever the owners of a majority of the feet of ground binding on such street, lane or alley, or part thereof, shall apply for the same, and the same modes of procedure, notices, etc., shall be adopted as are hereinbefore prescribed for grading; gravelling, shelling, paving or kerbing streets, lanes or alleys, except that one-third of the whole cost shall be *City Code, 1893,
Art. 48, Sec. 44.* <sup>Re-grading,
re-paving and
re-kerbing.</sup>

defrayed by the city, and two-thirds of the whole cost shall be paid by the owners of the property binding thereon; and the proportion to be paid by the property-holders shall be a lien on their respective properties; the whole expense of the work on the cross streets to be defrayed by the city on the order of the City Commissioner.

Ibid., Sec. 45.

Private contract of property owners for grading and paving. 135. The City Commissioner is hereby authorized to permit any street, lane or alley, or part thereof, to be graded, graveled, shelled, paved or kerbed, under the private contract of the owners, whenever all the owners of property binding thereon shall unite in an application in writing to him for such permission; provided that the contractor or owners shall give bond, approved by the Mayor, that the work shall be done in strict accordance with the terms of this ordinance and that he or they will keep it in repair for two years after its completion. Any person or persons who shall proceed to grade, gravel, shell, pave or kerb any street, lane or alley, or part thereof, without first complying with the terms of this section, shall be liable to a fine of one hundred dollars for each and every day that he or they may be engaged in such work; the said fine to be collected as other fines are collected.

*City Code, 1893,
Art. 48, Sec. 46.*

Bond of contractors. 136. All parties to whom contracts may be awarded for grading, kerbing or paving streets, lanes or alleys in the city of Baltimore shall be required to file, within ten days from the date of such award, a satisfactory bond conditioned for the commencement of the work within fifteen days thereafter, and for its continuous and faithful prosecution except when unavoidably interrupted by weather.

137. Any contractor who shall fail to comply with *Ibid., Sec. 47.*
 the terms of the preceding section of this ordinance <sup>Contract for-
 feited if bond
 be not given.</sup>
 within the time specified shall forfeit all claim to the
 contract awarded him, and the proper officers of the
 city may at once either award a contract for the same ^{New award.}
 work to the next lowest bidder therefor or may re-
 advertise for proposals and proceed as if no award had
 been made, as in their judgment may be best for the
 interests of the city.

138. It shall be the duty of the City Comptroller and *Ibid., Sec. 48.*
 Register of the City in settling bills against the Mayor
 and City Council of Baltimore, on all contracts made <sup>Ten per cent.
 of contract
 price to be
 withheld for
 two years.</sup>
 and entered into for the grading, paving and kerbing of
 streets, lanes and alleys, to withhold from the contrac-
 tors for said work ten per centum of the amount of
 their bills; said amount to be retained for the space of
 two years from the date of settlement, with interest at
 the rate of six per centum per annum, in order to pro-
 tect the corporation against loss by reason of the negli-
 gent performance of any contract, and as a guaranty
 that the contractors will keep the work performed by
 them in proper condition and repair during the space
 of two years; provided, that no interest shall be
 allowed if the contractors fail to keep the work per-
 formed by them in proper condition for two years; and
 provided, that no interest shall be allowed on any
 amounts withheld prior to the passage of this ordi-
 nance.

139. The City Commissioner, with the approbation *City Code, 1893,
 Art. 48, Sec. 49.*
 of the Mayor, shall consummate all contracts with such
 person or persons as shall have public work awarded
 them, pursuant to Article 1, sub-title "City Contracts," <sup>City Commis-
 sioner to con-
 summate con-
 tracts.</sup>

whenever such awards have been made under advertisement issued by him for proposals for such public work.

Ibid., Sec. 50.

To regulate grade and regulate the footways in all paved streets, footways and lanes and alleys in the city of Baltimore, and all streets, lanes and alleys hereafter to be paved, repaved or repaired, to the grade of five-eights of an inch ascent for every foot in width of such footways, from the top of the kerbstone to the line of the street, lane or alley in which such footway may be paved, repaved or repaired, and to regulate all gutters across such footways, which, unless covered with wood, stone or brick, on a level with the surface of the footways, shall not be deeper than three inches.

Ibid., Sec. 51.

Notice by advertisement to owners of ground fronting on any of the paved streets, lanes or alleys of the city cannot be found at the time said footways are out of order, to cause to be published in three or more of the daily papers having the largest circulation published in the city of Baltimore, at least five times, the locality and number of feet of such lot or lots of ground and notice of his intention to have the footways of such lot or lots paved, repaved or repaired, as the case may be; and in case said lot or lots shall not be paved, repaved or repaired within the time specified in said notice, said Commissioner shall have the footways of such lot or lots paved, repaved or repaired, and shall hand over to the Collector his warrant, to be by him collected as herein provided.

142. The said City Commissioner shall cause notice *City Code, 1893,
Art. 48, Sec. 52.* of said order to be given to the proprietor or proprietors of the lot or lots in front of which a footway is required ^{Mode of serv-ing notice.} to be filled up, dug down, paved or repaved, in manner following; that is to say, the said order, or a copy thereof, may be left at any house on such lot, or served personally on the proprietor or proprietors, or his, her or their tenant, agent or guardian, or left at his, her or their residence, or a copy of such order may be published in one or more of the newspapers of the city, not less than five times, notice in any of which modes shall be deemed sufficient.

143. If the proprietor or proprietors of any lot or lots *Ibid., Sec. 53.* fronting on any paved street, lane or alley shall neglect or refuse to fill up, dig down, pave or repair the footways in front of such lot or lots for the space of ten days after service of a printed or written order, or copy thereof, in manner as aforesaid, to be reckoned in case of publication in a newspaper from the first publication, then the said City Commissioner is authorized and directed to have the said footways filled up, dug down, paved or repaved with brick, in a sufficient and substantial manner, or repaired in such manner as he, the said City Commissioner, shall think proper, and a tax shall be imposed upon each respective lot in front of which the footways shall have been so filled up, dug down, paved or repaired, equal to the expenses of such filling up, digging down, paving or repairing, with an addition thereto of three per cent. for the expense of collecting. *Failure of owners to obey notice.*

Ibid., Sec. 54.

144. The City Commissioner shall issue his warrant Tax for work to the Collector, approved by the Mayor, for the collection of said tax, containing the names of the person or persons who are to pay such tax, and the amount to be paid by each, nevertheless correcting any mistake in the said list as often as he may be satisfied of the same, and the said tax shall be due immediately on making out said warrant, which the said City Comissioner may do as soon as he can ascertain the expense incurred, or to be incurred, and such tax shall be a lien upon all such lots.

*City Code, 1893,
Art. 48, Sec. 55.**Tax, how to
be collected.*

145. The said Collector shall immediately collect the same by distress or otherwise, giving sixty days' notice previously to distress, and pay over the same to the Register.

Ibid., Sec. 56.

146. The City Commissioner is authorized, with the approbation of the Mayor, to draw on the Register of the City in anticipation of such tax for such sum or sums of money as may be necessary to fill up, dig down, pave or repair any such footways.

Ibid., Sec. 57.

147. If any person or persons shall neglect or refuse to fill up, dig down, pave or repave any footway in front of his, her or their lot or lots, when required so to do by the City Commissioner, in the manner herein-before provided, such person or persons shall forfeit and pay twenty-five cents per front foot every day such person or persons shall refuse or neglect to fill up, dig down, pave or repave as aforesaid, as a fine for such neglect or refusal; and it shall be the duty of the City

*Anticipation
of collection of
such tax.**Penalty for
failure to pave
or repave foot-
ways.*

Commissioner, when he issues his warrant for the said tax, to take the necessary steps for enforcing the said fine.

148. It shall be the duty of the City Commissioner, *Ibid.*, Sec. 58, in conjunction with the Marshal of Police, biennially to inspect all the footways, flag and stepping stones within the corporate limits of the city, and cause the same (where required) to be immediately repaved or repaired, in conformity to the provisions of Sections 50, 51, 53, 57, and 61 of this article.

149. It shall not be lawful for any person or persons to pave any of the footways binding on any of the streets, lanes or alleys of the city of Baltimore with stone, unless the same shall be put down with good and sufficient flagstones, parallel with the kerbstone on said street, lane or alley, under a penalty of one dollar for every front foot.

150. The Mayor is hereby authorized to extend the time of bonds for the paving or repaving the streets, lanes or alleys, upon his being assured by the City Commissioner that the work cannot be completed consistently with the public interests within the time limited in the bonds.

151. The City Commissioner is authorized to direct and require, by written or printed order, the proprietor or proprietors of any lot or lots fronting on any of the paved streets, lanes or alleys of the city, to fill up or dig down to the proper grade, or to pave or repair the footways in front of such lot or lots, with a good and

sufficient brick pavement, on a bed of good sharp sand, not less than six inches deep, within ten days after notice of such order; the said footways in front of unimproved lots to be paved with good and substantial brick four feet from the kerbstone, and all the thoroughfares or business streets of the city shall be paved to the building line, if thought requisite by the City Commissioner; and in case of refusal or neglect by the proprietor or proprietors of any lot or lots of ground to comply with the requirements of the said Commissioner, the owner or owners of said lot or lots of ground shall be subject to a fine of ten dollars for each and every day such notice or order shall remain uncomplied with, to be recovered as other fines and forfeitures are recoverable.

Penalty.

*City Code, 1893,
Art. 48, Sec. 61a.* 152. Before any ordinance for the grading, shelling, graveling, paving and kerbing, or for regrading, re-

Preliminaries to passage of any ordinance for grading or street, lane or alley or part thereof, by the terms of regrading, shelling or re-shelling, graveling or regraveling, paving or repaving, kerbing or re-kerbing, any streets, lanes or alleys. which the whole or any portion of the cost of the work is to be assessed upon the property binding on such street, lane or alley or part thereof, shall be passed by either branch of the City Council, it shall be referred

to the Joint Standing Committee on Highways. Before recommending the passage of any such ordinance the said Joint Standing Committee on Highways shall require the chief clerk of the Branch of the City Council in which the said ordinance was introduced, to give ten full days' notice, excluding both the day of publication and the day of the session of the committee, in at least two of the daily papers of the city of Baltimore, of the introduction of said ordinance, and that any and all

persons interested therein will be heard upon any matter relating thereto by the said Joint Standing Committee on Highways at the time and place to be designated in such notice.

153. As soon after the passage of any such ordinance *Ibid., Sec. 61b.* as practicable, it shall be the duty of the City Commissioner to give ten days' notice in two of the daily newspapers, that proposals will be received for doing the entire work, or if the labor is to be done by the day, then for the materials; such proposals to be opened in the Mayor's office and the contract to be awarded by the Mayor, Comptroller and City Commissioner to the lowest responsible bidder, who, if the proposal was to do the entire work, shall enter into a bond satisfactory to them, conditioned for the commencement of the performance of the contract within fifteen days after a notification from the City Commissioner to proceed therewith, and for its continuous and faithful prosecution to completion, except when unavoidably interrupted by weather; if the proposal was to furnish the materials, the labor being done by the day, the bond shall be conditioned for the delivery of the said materials in accordance in all respects with his bid, at such times and in such quantities as the City Commissioner may require; and said bond and contract shall in either event also contain such other provisions as are now or may hereafter be required by the ordinances of the Mayor and City Council; and said officers shall have the power to reject any and all bids, if it be, in their judgment, to the best interest of the city to do so; in case the labor is to be done by the day, then the City Commissioner shall make a careful Advertisement
for proposals. Contract. Bond of con-
tractor.

estimate of the cost of such work, including the contract price of the materials.

*City Code, 1893,
Art. 48., Sec. 61c.*

*Apportionment
of cost.*

154. After the contract for the whole work has been awarded, or the cost of the whole work ascertained, as above provided, the City Commissioner shall apportion the whole or such portion of the cost of the work as the ordinance shall require to be paid by the property owners (not including, however, any portion of the cost of the cross streets), together with three per centum thereon for costs and expenses, upon the property binding on each side of said street, lane or alley, or part thereof, in proportion to the frontage of such property thereon.

Ibid., Sec. 61d.

*Advertisement
of such appor-
tionment.*

155. After the City Commissioner shall have completed his apportionment of the expenses to be assessed upon the property binding on said street, lane or alley, or part thereof, he shall give notice by advertisement, inserted twice a week for two successive weeks in two of the daily newspapers published in the city of Baltimore, that such apportionment has been made and that the statement thereof is on file in his office for the inspection of all persons interested therein; and that he will attend at his said office on a day in such notice to be named, which shall not be less than ten nor more than twenty days after the first publication of such notice, to review any of the matters set forth in said statement to which any person claiming to be interested therein shall, on or before the day so appointed, make objections; and the said City Commissioner shall attend at the time and place so appointed, and consider all such representations and testimony, verbal or in writing, in

relation to any matter in said statement which shall be offered to him, on behalf of any person claiming to be interested therein, and shall make all such correction and alteration in said apportionment and statement as shall be necessary to make the same correct; and he may adjourn, from time to time, if necessary, to give all parties claiming review an opportunity to be heard; and after closing such review, he shall make all such corrections as shall be proper, and shall make a correct list of the property and of the owners or reputed owners thereof, liable to pay the tax or assessment, and the amount to be paid by each piece of property, and shall deliver to the City Register a duplicate list thereof, under his hand, together with such explanatory plat or plats, if any, as may be necessary to designate the property upon which said tax or assessment is levied, which taxes shall be liens on the several pieces of property upon which the same shall respectively be so assessed; and the City Commissioner shall correct any mistake in such list, whenever he may be satisfied that any mistake has been made.

Review and
correction of
apportionment.

List of assessments
to be delivered to City
Register.

156. It shall be the duty of the City Register, within five days after the said proceedings shall have been deposited in his office, to notify all persons interested, by an advertisement to be inserted once a week for four successive weeks in two daily newspapers of the city, that the said assessment and explanatory plat or plats have been so placed in his office, and that the parties affected thereby are entitled to appeal therefrom by petition in writing to the Baltimore City Court.

*City Code, 1893,
Art. 48, Sec. 61e.*

Notice by
Register.

Ibid., Sec. 61f. 157. It shall be the duty of the City Commissioner to serve written or printed notices on each and every party or parties assessed or taxed for the said grading, shelling, graveling, paving and kerbing, or for regrading, reshelling, regraveling, repaving or rekerbing of any street, lane or alley; provided, however, that the service of such notice shall not be so construed as to be one of the prerequisites to the collection of any assessment under any ordinance heretofore passed or hereafter to be passed by the Mayor and City Council of Baltimore.

City Code, 1893,
Art. 48, Sec. 61g. 158. Any person or persons who may be dissatisfied with any assessment in which he or they are in any manner interested, may, within thirty days after the return of the above-mentioned duplicate lists of the property and owner or reputed owner thereof, liable to said tax or assessment by the City Commissioner to the City Register, appeal therefrom by petition to the Baltimore City Court, praying said court to review the same; and thereupon the proceedings shall be similar to those in the case of the trial of street appeals; and the said right shall be had to appeal to the Court of Appeals.

Ibid., Sec. 61h. 159. Whenever any ordinance passed by the Mayor and City Council of Baltimore, providing for the grading, shelling, graveling, paving, kerbing, regrading, reshelling, regraveling, repaving or rekerbing of any street, lane or alley in said city, shall, before any of the work has been done under the same, be set aside and declared null and void by any court of competent jurisdiction, to wit: the Baltimore City Court or the

Proceedings
where such or-
dinances are
set aside or
repealed.

Court of Appeals, in the event of an appeal to that tribunal, or the same shall be repealed by the Mayor and City Council of Baltimore, it shall be the duty of the Comptroller immediately thereafter to draw his warrant on the Register in favor of any and all such persons, or their legal representatives, who may have paid into the city treasury any sum or sums of money on account thereof, which shall be forthwith paid out of any sums in the treasury not otherwise appropriated. The Comptroller shall likewise draw his warrant on the Register for the payment of all expenses which may have been incurred by virtue of any such ordinance in carrying out the provisions thereof, for which the city may be liable under existing circumstances.

160. If no appeal shall have been prayed, then, within *City Code, 1893,
Art. 48, Sec. 61i.*

Proceedings
where an ap-
peal is taken
or after ap-
peals are de-
cided.

ten days after the time hereinbefore limited therefor or after the return of the decision upon any such appeal or appeals shall have been made to the Register, the said Register shall transfer the said lists received from the City Commissioner to the Collector, who shall thereupon proceed in all respects as he does in cases where persons or property are assessed for benefits for opening, closing, widening or straightening any street, lane or alley.

161. If the total amount of assessments after the *Ibid., Sec. 61j.*

City Register
to pay excess of
expenses over
assessments.

revision of the same by the appeals in the preceding section authorized and provided for, shall not be sufficient to defray the expense of grading, shelling, graveling, paving, kerbing, regrading, reshelling; regraveling, repaving or rekerbing, the balance of said expense shall be paid by the City Register on the warrant of the Comptroller, and provided for in the general levy.

Ibid., Sec. 61k.

Notice to contractor to proceed with his work. 162. As soon as the whole of said assessments shall have been collected, or earlier, if directed by the Mayor, the City Commissioner shall notify the contractor to

proceed with the work, or if the same is to be done by day labor, he shall cause the work to be executed; and if, upon the final completion thereof, and the exact ascertainment of the cost, it shall be found that the assessments were greater than necessary, the surplus shall be refunded pro rata to the parties who paid the same, by the warrant of the Comptroller upon the certificate of the City Commissioner.

*City Code, 1893,
Art. 48, Sec. 62.*

Property owners may select kind of paving.

163. Whenever application shall be made to the City Commissioner to have paved or repaved any street, lane or alley of the city of Baltimore, or whenever said paving or repaving shall be done by virtue of an ordinance of the Mayor and City Council of Baltimore, it shall be optional with the owners of a majority of the front feet of ground binding upon said street, lane or alley, whether the said paving or repaving shall be with stone, or what is known as the Nicholson, or any other improved pavement; and provided further, that when any paving or repaving is to be done in front of any property owned by the corporation of the city of Baltimore, the Mayor, Comptroller and City Commissioner shall decide whether it shall be paved with stone or any improved pavement.

*Ord. No. 71, Sec. 1,
App. May 17, '95.*

164. There shall be appointed as other city officers are appointed one City Commissioner, who shall attend daily at his office, and there shall also be appointed three Assistant City Commissioners, who shall be under the direction of said City Commissioner, and the entire

time of both Commissioner and assistants shall be devoted personally to the interests of the corporation; and should it be ascertained that any of the aforesaid officers is engaged in or connected with any business or pursuit other than that appertaining to his official duties, it shall be deemed good and sufficient cause for his removal by the Mayor; the term of the City Commissioner and his assistants first appointed under this ordinance shall commence on the first day of June, 1895, and expire on the first of March, 1896, unless removed by the Mayor, and thereafter the City Commissioner and the three assistants shall be appointed biennially in the month of February by the Mayor as other city officers are appointed.

165. Said Commissioner and Assistant Commissioners *Ibid., Sec. 2.* before entering upon the duties of their several offices shall severally give bond with security for the faithful performance of their duties, the Commissioner in the penal sum of ten thousand dollars and the assistants in the sum of five thousand dollars each, and there shall be appropriated annually the sum of four thousand dollars for the salary of the City Commissioner, payable monthly, and for the salary of each of the Assistant Commissioners two thousand dollars, payable monthly.

166. It shall be the duty of the Assistant City Com-
missioner to attend to all duties that may be required
of him by the City Commissioner, and before any
repairs of paved streets are proceeded with, the City
Commissioner shall have correctly measured the work
to be done, and the clerk to the City Commissioner
shall keep a record of such measurement; and the pay-
ments shall be made in accordance therewith.

*City Code, 1893,
Art. 48, Sec. 65.*

Duties of Com-
missioner and
Ass'tant.

Ibid., Sec. 67.

167. It shall be the duty of said assistants to inspect Their duties. daily, under the direction of the City Commissioner, all grading, paving, kerbing of streets, lanes or alleys, or repairs of the same that may be in progress, and to measure all repairs that may be made to the same, and to superintend and inspect any other work that the City Commissioner may direct.

*Ibid., Sec. 68.*Clerk to City
Commissioner.

Salary.

T.o k e e p
journal.

Bids.

168. There shall be appointed by the City Commis-
sioner a clerk to said Commissioner, whose compensation
shall be fifteen hundred dollars a year, payable monthly,
and who shall keep a fair journal of all proceedings in
the office, as far as they may relate to the condemnation,
grading or leveling of the streets, lanes and alleys,
and the establishment of boundaries or the making and
repairing of sewers, and the building and repairing of
bridges, and shall return them, under the hand and seal
of the Commissioner, at least once in every three months,
to the Register of the city, to be by him recorded and
filed in his office; and he shall carefully preserve all bids
for work to be done, and all papers belonging to persons
having business with the City Commissioner's office.

City Code, 1893,
Art. 48, Sec. 69.What City
Commissioner's
department
shall include.

169. The department of the City Commissioner shall
include the leveling, grading, making, mending or repair-
ing the streets, lanes, alleys and bridges, and contracting
with any person for materials for the purpose aforesaid,
said contracts having been approved by the Mayor,
Register and Comptroller of the city, and with as many
workmen as he may judge necessary to be employed
from time to time in and about the same.

170. All moneys appropriated for the department of *Ibid., Sec. 70.*
 the City Commissioner shall be expended under his ^{To direct ex-}
 direction, and paid by the Register to his order, when ^{penditures.}
 approved by the Mayor, on the certificate of the
 Comptroller.

171. It shall be the duty of the City Commissioner, *Ibid., Sec. 71.*
 annually, to lay before the City Council, in the first ^{Annual report.}
 week of the annual session, a report of his proceedings,
 with an abstract of the expenditures of the office, signed
 by him.

172. It shall be the duty of the City Commissioner, *Ibid., Sec. 72.*
 in making his annual report to the Mayor and City ^{Statement of}
 Council, to furnish a statement of the several streets, ^{work done on}
 lanes and alleys, or parts thereof, that have been paved
 or repaved during the year, together with the names of
 the contractors, the number of square feet and the sum
 per square foot paid for paving or repaving, as the case
 may be, and to state explicitly whether all the pro-
 visions of the ordinances relating to paving and repav-
 ing, and the duties required of the City Commissioner,
 have been complied with.

173. All warrants and other documents issued by the *City Code, 1893,*
Art. 48, Sec. 73.
 City Commissioner, or connected with his department,
 shall be headed: "City Commissioner's Office." ^{Warrants, how}
^{to be headed.}

174. The City Commissioner shall have full power *Ibid., Sec. 74.*
 and authority, and he is hereby authorized and required,
 when applied to by any person requiring the same, to
 ascertain and fix the lines of any of the streets, lanes
 and alleys, or any boundary of any of the lots within
^{Lines of streets}

Landmarks. said city, and having so fixed and established the same, to put up stones, or landmarks, to be provided for that purpose by the person or persons requiring the same to be done at any place or spot so established by him, and to make return, in writing, of such establishment, with the proper description thereof, under his hand and seal, to the Register, who shall immediately record the same in a book to be provided for that purpose, and shall file and keep the original record or paper, so returned as aforesaid, in his office.

Ibid., Sec. 75.

**Line of street
to be estab-
lished before
houses shall
be built.** 175. No owner or owners of any lot in the city shall dig or lay the foundation of any house in front of any street, lane or alley, or erect any wall or fence fronting thereon, before he, she or they shall have applied to the City Commissioner to make out the true line of such street, lane or alley, unless the corners of the square upon which such improvement is to be made have been duly established, and said Commissioner, so applied to, is hereby authorized and required to see that such foundation, building, house or wall does not and shall not encroach upon the highway, and said Commissioner shall have a right to employ, if he deems it necessary, on every such occasion, the City Surveyor, at the cost of such owner or owners. Every person so neglecting to apply, as aforesaid, shall forfeit and pay five dollars, and a like sum for each and every day such directions are not complied with.

*City Code, 1893,
Art. 48, Sec. 76.*

**Appeal to
Mayor from de-
cision of City
Commissioner.** 176. If any person or persons shall think him, her or themselves aggrieved by the determination of the said Commissioner, in fixing the lines of any street, lane or alley, or the boundary of any lot, or in fixing the grade of streets, lanes and alleys, in such case every such

person or persons may, within five days next after such determination, appeal from the same to the Mayor, who shall thereupon issue a warrant summoning five disinterested persons of known ability and discretion, whose compensation shall be two dollars per day each, (the determination of whom, or a majority of whom, shall be final,) to settle all matters of dispute within ten days thereafter, and return their award, in writing; to the Register, to be by him recorded; and before the persons appointed under such warrant shall proceed to the execution of their duties, they shall make oath or affirmation that they will impartially examine the proceedings of the said Commissioner from which no appeal is prayed, and confirm or alter the same as in their opinion is just, without favor or partiality; and the said persons shall receive from the said Commissioner all documents and information which influenced and directed him in said determination, from which the appeal is made.

177. When any person or persons shall appeal from the determination of the City Commissioner, it shall not be lawful for the Mayor to grant the said appeal and issue the warrant herein mentioned, unless the person or persons so appealing shall enter into an obligation to the Mayor and City Council of Baltimore, and file the same with the Register, binding him, her or themselves to pay to the Mayor and City Council of Baltimore all the expenses which may be incurred in the said appeal, should the same be not sustained.

178. The City Commissioner, with the approbation of the Mayor, shall fix and ascertain the said expenses, which shall be paid to the Register, and by him to the person or persons employed to decide the appeal.

*City Code, 1893,
Art. 48, Sec. 78.*

*City Commis-
sioner to fix
such expenses.*

*Appellant to
first file obli-
gation to pay
costs of appeal.*

Ibid., Sec. 79.

^{Entry for repairing sewers.} 179. The City Commissioner shall have full power and authority to enter upon the lots of ground or possessions of any person or persons, or bodies corporate, through which the common sewers now or may hereafter run, to regulate or repair the same.

Ibid., Sec. 80.

^{Repair of bridges.} 180. The City Commissioner is hereby directed whenever any of the bridges within the city stand in need of repairs, to mend and repair the same as he, with the approbation of the Mayor, may think fit.

Ibid., Sec. 81.

^{Penalty for injury to public work.} 181. If any person or persons shall cut, break, dig down, injure or destroy any abutment, bank, mound or other public work erected or constructed by or under the orders of the City Commissioner, every person so offending shall forfeit and pay a sum not exceeding two hundred dollars, and moreover, shall be liable to pay the expenses of repairing the injury.

*City Code, 1893,
Art. 48, Sec. 83.**Flag and stepping stones.*

182. The City Commissioner is authorized to place flag and stepping stones whenever and wherever the convenience and necessity of the public may require the same, upon proper application being made to him.

*Ibid., Sec. 84.**Repairing private wharves, streets and alleys.*

183. The City Commissioner is hereby authorized, upon the application of the owners of a majority of the front feet on any private wharf, dock, street, lane or alley, to cause the same to be thoroughly repaired and cleaned, and to assess and collect from the owners of the property a tax sufficient to defray the expense of the same in the manner prescribed by law.

184. The City Commissioner is instructed, in all *Ibid., Sec. 85.* future contracts for furnishing Belgian pavements, to Belgian blocks. require that the blocks shall be of the following dimensions: Not less than eight inches long, six inches deep, and from three to four inches wide.

185. The City Commissioner, when engaged in repairing streets, lanes and alleys, shall repair the same over the trenches made by the several gas companies, and collect the cost of the work from the companies over whose pipes the repairs shall have been made.

186. The several gas companies, railroad companies, as well as other corporations and individuals, (including all officers and employees of the city), who may now have, or who may hereafter receive permission to dig up or disturb any of the streets, lanes or alleys of the city, for the purpose of laying or relaying railroad tracks, or repairing the same, or constructing wells, ditches, drains, sewers, tunnels, laying pipes of any kind, or repairing the same, shall be, and they are hereby, required to take the proper measures to insure the safety of passing vehicles and pedestrians from loss of life or injury to person or property, by the erection of a fence or barrier by day, and in addition thereto, by displaying one or more lanterns at night, at the portion or portions left open, and also at every street crossing on the line of the work where the same may be left open, and upon a failure so to do, such corporations, companies or individuals, (including all officers and employees of the city), shall suffer a fine or penalty of not less than twenty dollars, nor more than fifty dollars for each and every offence, to be collected as *Ibid., Sec. 87.* *Trenches made by gas companies.* *Digging up, etc., streets, etc.* *How safety of passing vehicles and pedestrians insured.* *Penalty.*

other fines and penalties are now collected in the city of Baltimore. Whenever any piles of bricks, stones, lumber or other building material shall be left in any of the streets, lanes or alleys of the city, they shall during the night be designated by displaying a lighted

Lamps to be placed on piles of brick, lumber, etc. lamp or lantern at such part of the same as to be easily observed by persons passing along the street; and any person or persons, or body corporate, who may violate the provisions of this section, shall forfeit and pay a fine of not less than five nor more than ten dollars for each and every offence, to be recovered as other fines and penalties are recoverable.

*City Code, 1893,
Art. 48, Sec. 88.*

Filling up of excavations.

187. Any person or persons or corporation who shall dig up the streets, lanes or alleys of the city of Baltimore, for the purpose of laying pipe or any other purpose, shall return the dirt removed from such excavation, and in replacing the same, shall use a rammar or such other contrivance as shall make the ground where such excavations are made sufficiently solid so as not to sink after having been paved. Any person or persons, or corporation violating the provisions of this section, shall forfeit and pay a fine of ten dollars for each and every offence; such fine to be recovered as other fines for the violation of city ordinances are recovered; and in addition to said fine said person or persons or corporation shall immediately proceed to comply with the provisions of this ordinance.

*City Code, 1893,
Art. 48, Sec. 89.*

Stamp on gutter plates.

188. The City Commissioner is authorized and directed to have stamped on all gutter-plates, the weight of iron contained therein furnished by contractors to the city of Baltimore.

189. The Chesapeake and Potomac Telephone Company, of Baltimore city, and the Chesapeake and Potomac Telephone Company acting separately, or in conjunction, are respectively authorized to lay their or their respective telephone wires intended to be used in connection with the Telephone Exchange to be established in the building belonging to the Chesapeake and Potomac Telephone Company, at the corner of St. Paul street and Bank lane, in the city of Baltimore, in cables, laid in suitable conduits under the surface of the streets, alleys or highways in said city, now traversed, or to be so traversed by their said respective wires, with the necessary man-holes for affording access to said cables. Such conduits and man-holes shall be constructed in such manner as not to injure any vault, sewer, water pipe, or gas pipe, and such conduits and man-holes shall be constructed by either or both of said companies as parts of one system, at their or their respective cost and expense, and said companies so acting separately or jointly in constructing said system of underground wires shall have power to make the necessary house-connections in localities where the same may be required, in such manner as may be best adapted to the location by means of any wire or wires from such cable or cables; provided, however, that the said two companies, if acting together, shall have and possess the powers and privileges only which might have been exercised by one of said companies if acting alone under this ordinance.

190. Nothing contained in Sections 90-93 shall be construed to grant unto either or both of said telephone companies the exclusive right to lay underground wire cables within the limits of the city of Baltimore, and

*City Code, 1893,
Art. 48, Sec. 90.*

Telephone
wires to be laid
in conduits.

Ibid., Sec. 91.

No exclusive
rights granted.

the rights granted by this ordinance shall cease and determine unless three miles of the underground conduits provided for by this ordinance are constructed within two years from the date of its approval, and after said two years, and as rapidly as said conduits may be constructed, and said cables are laid therein, all poles belonging to, or under the control of either of said companies, standing upon any street or thoroughfare in this city, along which any such conduit is constructed and cable laid, shall be removed, and shall not be replaced, except in so far as such existing pole or poles now standing, or hereafter to be maintained or erected by such companies or company, are necessary to be maintained or erected by them or it, for the purpose of making distribution of and forming connections with any wire or wires forming part or parts of any such cables so laid in a conduit with the building or buildings or place or places intended to be connected with such wire or wires from such cable.

Ibid., Sec. 92.

Payment for
grant of privi-
leges. 191. Said companies shall, in consideration of the rights and privileges granted to them by this ordinance before constructing any portion of the conduit or conduits hereinbefore authorized, enter into an agreement in a form to be approved by the Mayor of the city of Baltimore, and with sufficient security, certified by the Comptroller and approved by the Mayor, to pay annually to the Mayor and City Council of Baltimore, thirty cents for each lineal yard of the first four miles in aggregate lineal length of conduit or conduits, constructed under the provisions of this ordinance, and twenty cents per lineal yard for each succeeding mile or fraction of a mile of the aggregate lineal length of such

conduit or conduits exceeding such aggregate lineal length of four miles; provided, however, that the annual payment so to be made in any year, accounting from the date of the approval of this ordinance, shall not be less than the sum of three thousand dollars, and shall also, before constructing any portion of such conduit or conduits, file with the City Commissioner a plan showing the location and character of the portion or portions of the conduit or conduits next proposed to be constructed ; and every such conduit or part thereof shall be constructed under the supervision of the said City Commissioner; and all paving which may be temporarily removed by the said companies in the course of the construction of any conduit or conduits authorized by Section 189, shall be restored or replaced, under the direction and superintendence of the City Commissioner, by the companies or company constructing said conduit or conduits, and at their or its expense, in a manner satisfactory to said Commissioner.

192. In every under-ground conduit constructed under the provisions of this ordinance space shall be provided, if required, free of cost or rent, for the laying therein by the Fire Commissioners of the city of Baltimore of a cable for the exclusive and official use only of the police and fire-alarm telegraph and police and patrol wires.

*City Code, 1893,
Art. 48, Sec. 93.*

Cable for use
of police and
fire-alarm
wires.

193. The said companies shall, before exercising any privileges under Sections 90-93, enter into a bond in the sum of ten thousand dollars, with good and sufficient securities to be approved by the Mayor and Comptroller, conditioned that the company or companies

Ibid., Sec. 94.

Bond.

exercising the privileges granted by this ordinance will faithfully perform the obligations imposed upon it or them, respectively, thereby.

PERMITS FOR DIGGING UP STREETS.

*City Code, 1893,
Art. 48, Sec. 106.* 194. No carter or other person shall dig, remove or carry away from or out of any of the unpaved streets, lanes or alleys of the city, any dirt, earth, sand or gravel, without a special license first had and obtained from the City Commissioner, with the approbation of the Mayor, for that purpose, specifying the time when and place from which the same is to be removed, under the penalty of one dollar for every load of dirt, earth, sand or gravel so removed.
*Unpaved
streets.*
Penalty.

Ibid., Sec. 107. 195. No person or persons, corporation or corporations, shall dig up, tear up or uncover any of the streets, lanes or alleys of this city, or any part thereof, or remove therefrom any of the stones, bricks, blocks, cement or other material with which the same may be paved, in whole or in part, without having first obtained a permit therefor from the City Commissioner, approved by the Mayor.
Paved streets.

*City Code, 1893,
Art. 48, Sec. 108.* 196. No such permit as is provided for in the preceding section shall be issued or granted at any time, unless the applicant or applicants seeking the same shall apply therefor in writing, and shall in such application consent and agree that the regrading and repaving of such portion of any street, lane or alley as may be torn up or otherwise disturbed under such permits, and any and all such other work as may be thereby necessary to
*Applications
for permits.*

restore the said street to a proper condition, shall be done by the City Commissioner, at the expense of said applicant; the paving to be done at the cost of paving or repaving to the city for the same kind of pavement.

197. Any person violating any of the provisions of *Ibid., Sec. 109.* the two preceding sections shall be subject to a fine of twenty dollars for each day the same shall continue; said fines to be collected as other fines are collected for the violation of city ordinances.

198. No person or persons shall make, dig or throw up *Ibid., Sec. 110.* any drain, trench, gully, gutter or canal, in, through, along or across any of the streets, lanes or alleys of the city, without a special license or permission in writing for that purpose first had and obtained from the City Commissioner, specifying the time when and place where the same is to be done, and such conditions as he may think necessary, under penalty of ten dollars, if the same shall not be done in strict accordance with said permission, and the street, lane or alley kept in good repair as therein required, and the like sum weekly until the same be removed, or permission received and complied with as above required.

199. Any person or corporation upon whom the obligation may be imposed by any law or ordinance to keep in repair any part of any of the streets, lanes or alleys within the city, or to replace and restore in proper order and condition the bed or surface of any street, lane or alley, or any portion thereof which such person or corporation may, for any purpose, be licensed or permitted to dig up, displace or remove, and who shall *Ibid., Sec. 111.* *Penalty for failing to keep in repair or replace.*

refuse or neglect to make such repairs, replacement or restoration, within three days after having been notified in writing by the City Commissioner to make said repairs, or to replace and restore in proper order and condition the bed or surface of such street, lane or alley, shall forfeit and pay the sum of twenty dollars for each and every case of such refusal or neglect; said fines to be collected as other fines and penalties for the violation of city ordinances are collected.

*City Code, 1893,
Art. 48, Sec. 112.*

City Commissioner may make repairs at cost of party bound therefor.

200. Whenever any person or corporation whose duty it shall be to keep in repair any part of any of the streets, lanes or alleys within the city or to replace and restore in proper order and condition the bed or surface of any street, lane or alley which such person or corporation may be licensed or permitted to dig up, displace or remove, shall neglect said duty after being notified in writing by the City Commissioner, as provided in the preceding section, and it shall appear to said Commissioner that the condition of such street, lane or alley is attended with possible danger to persons passing over or using the same, it shall be the duty of said Commissioner forthwith to make such repairs as may be necessary, and when completed to collect the cost of making the same from the person or corporation through whose default or neglect the same may become necessary, and for said purpose he may, with the approval of the Mayor, cause suit to be instituted in the name of the Mayor and City Council of Baltimore, against such person or corporation.

VAULTS, AREAS AND CELLARS.

201. It shall be the duty of the police officers to give *City Code, 1893,
Art. 48, Sec. 124.*
information to the Mayor and City Commissioner, whenever any vault or area is being constructed in any of the streets of the city, within their respective districts.

Police to notify City Commissioner of construction of vaults and areas.

202. All such vaults shall be constructed of stone or brick, agreeably to the directions of the City Commissioner, under the penalty of twenty dollars for each and every offence, and the further penalty of twenty dollars during each and every month, until the same shall be constructed according to the provisions of this sub-title of this article, to be paid by the person or persons who may cause or direct the same to be constructed. *Ibid., Sec. 125.*

Vaults to be of stone or brick.

203. The iron gates which shall be used to cover the apertures of vaults which are placed in the footways in the several streets, lanes or alleys of the city, shall be sunk not less than three inches below the surface of said foot pavements, and the same shall be securely covered by a wooden or stone frame, which shall be level with the surface of the said foot pavement, so as not to create any obstruction to walking or other proper use of said footways; and the said gates, so covered with wood or stone as aforesaid, shall be so constructed as to be fastened inwardly, and the wooden or stone frame or covering securely fastened to the iron grates, so that the same may not come apart; and if any owner or occupier of property shall hereafter cause or permit any grate to be placed upon the foot pavement attached to his or her premises not constructed conformably to *Ibid., Sec. 126.*

Iron gates, how to be constructed,

the provisions of this section, he, she or they shall incur a penalty of ten dollars, and one dollar for each day it shall remain after notice given by the City Commissioner to alter, change or remove the same; provided, that the provisions of this section shall only apply to openings to vaults which project or are placed more than three feet from the building line of any street.

*City Code, 1893,
Art. 48, Sec. 127.*

*Precautions
against acci-
dents.*

204. The owner or occupant of any house or lot before which any vault or opening for cellar doors, areas or steps is being constructed shall fence off the pavement on the right and left of the improvement, and during the whole of every night whilst such vault or opening is uncovered or unenclosed cause a lighted lamp or lantern to be placed at some convenient spot, so as to cast its light upon such vault or opening, under the penalty of five dollars for each and every night or part of a night during which such lamp or lantern shall be neglected to be placed, kept or lighted as aforesaid.

Ibid., Sec. 128.

*Apertures to
vaults to be en-
closed whilst
left open.*

205. No person shall remove or cause to be removed any grate or covering to the opening or aperture of any vault in any of the streets of the city, without enclosing such aperture during the time such grate or covering is removed, with a strong box or kerb, at least twelve inches high, and firmly securing the same, under a penalty of ten dollars for each and every offence.

Ibid., Sec. 139.

*Obstructions
in streets.*

206. If any person or persons shall place or cause to be placed within the streets, lanes or alleys of the city, any dirt, lumber or other obstruction to the free egress or ingress through such street, lane or alley, and shall permit the same to remain more than twenty-four hours

after being notified by the City Commissioner or any of the police officers to remove the same, he, she or they shall be subject to a fine of five dollars for each day it shall so remain; and the City Commissioner is hereby authorized and empowered to remove, or caused to be removed, all manner of obstructions to the passage through the streets, lanes or alleys which he shall find remaining in the same an unnecessary length of time; and all expenses incurred shall be chargeable to the person or persons who shall violate the provisions of this section.

Duty of City
Commissioner.

207. If any person shall cause any horse, mare or gelding to stand in any of the streets, lanes or alleys within the city limits whilst he is shoeing or preparing to shoe such horse, mare or gelding, or shall make any fire in any street, lane or alley, every such person shall forfeit and pay a sum not exceeding five dollars; provided, that it shall and may be lawful for any person to kindle and use a fire made of charcoal or coke on any street, lane or alley in the city for the purpose of preparing any article to be used in the construction of any house, cellar or pavement, if not more than one-fourth of the width of the street, lane or alley in front of the property to be improved be occupied, and for no longer time than six days at any one place; and provided further, that the consent of the persons occupying all the property on the square on which the improvement is to be made be first filed in the office of the City Commissioner.

Proviso.

Horses not to
be shod or fires
made in streets.

208. If any person or persons shall wilfully break, pull down, hurt or destroy any tree or trees, or enclosure around the same, which are now or may hereafter be

Injury and
destruction of
trees.

Ibid., Sec. 142.

planted near the kerb or gutter of any of the streets, lanes or alleys of the city, or in any other public grounds within the city, such person or persons so offending shall forfeit and pay five dollars for every such offence; provided always, that nothing herein contained shall be so construed as to prevent the City Commissioner from removing any tree or trees, or part thereof, which he may deem so situated as to obstruct the carriage or footways, or injure any of the public pumps, or any proprietor of a lot or lots from cutting down any tree or trees near the gutter in front of his or her lot or lots.

*City Code, 1893,
Art. 48, Sec. 157b.* 209. It shall not be lawful for any person or persons

to have, keep or maintain upon any street, lane, alley

Certain articles not to be kept upon streets, etc. or other public place within the limits of this city any box, bin, barrel or other receptacle for the reception of

garbage, ashes, litter or rubbish of any sort, except that in order to facilitate the removal of garbage and ashes, it shall be lawful for the occupant of any premises to place daily upon the sidewalk in the rear of such premises, or in front of premises to which there is no rear entrance accessible to the drivers of the city garbage

Boxes for carts, suitable boxes or vessels as by ordinance prescribed for garbage and ashes, and to allow the same to remain till emptied by the drivers of the city garbage carts; provided that such boxes or other vessels shall in all cases be removed from the sidewalk within one hour after they shall have been emptied by the drivers of the city garbage carts.

Ibid., Sec. 157c.

210. Every occupant of any premises within the city, and the owner of premises that may be vacant, shall be required to keep the sidewalk bounding upon such

Sidewalks to be kept unobstructed.

premises and the gutters belonging thereto open and free from obstructions.

211. If any of the substances mentioned in Section 157a are thrown or carried from any house, warehouse, shop, cellar, yard or other place, and left in any of the places specified in said section, the occupant of such house, warehouse, shop, cellar, yard or other premises, or owner thereof, if vacant, and the person who actually threw, carried or left the same, or who caused the same to be thrown, carried or left, shall severally be held liable for a violation of this ordinance; and every wilful violation of this ordinance shall be punished by a fine of not less than two dollars, nor more than ten dollars, or by imprisonment in the city jail for not more than five days.

212. No person or persons, corporation or corporations, shall under any pretext or any cause whatever, dig up, tear up, or uncover any of the streets, lanes or alleys of the city, or any part thereof, or remove therefrom any of the stones, bricks, blocks, cement or other material with which the same may be paved in whole or in part; or plant, erect or set up, on any portion of the bed of such streets, alleys or lanes, or any portion of the sidewalks thereof, any hitching posts, telegraph, telephone, electric light or other pole or poles of any description whatsoever without first having obtained a written permit therefor from the City Commissioner, approved by the Mayor.

213. No such permit as is provided for in the proceeding section shall be issued or granted at any time unless the applicant or applicants seeking the same

Ibid., Sec. 157f.
Regulations
as to issuing of
such permit.

*City Code, 1893,
Art. 48, Sec. 157d.*

*Penalty for
violation of
three preceding
sections.*

*Streets not to
be dug up;
poles, etc., not
to be planted
without permit
from City Com-
missioner.*

shall apply therefor in writing, and shall in such application consent and agree that the regrading and repaving of such portion of any street, lane or alley as may be torn up or otherwise disturbed under such permits; and any and all such other work as may, in the judgment of the City Commissioner be rendered necessary to restore the said street, lane or alley to a proper condition, shall be done by the City Commissioner at the expense of said applicant; and if said application is for a permit to erect one or more hitching posts or telegraph, telephone, electric light or other poles of any description whatsoever, the person or persons, corporation or corporations, applying for the same, shall in said application further consent and agree that such hitching posts, telegraph, telephone, electric light or other pole or poles shall be placed in such position or positions as the City Commissioner may designate, and that the location of such hitching post or telegraph, telephone, electric light or other pole or poles, shall be changed at any future time to such other position or positions as the Mayor for the time being shall designate; and that if the Mayor and City Commissioner for the time being, shall at any future time order said hitching posts, telegraph, telephone, electric light or other pole or poles, or any of them, to be taken down, that the same shall be removed within three days, and that the cost of any change in location or of taking down and removing said hitching post, telegraph, telephone, electric light or other pole or poles, including the cost of any repairing of the bed of the street thereby rendered necessary, shall be borne by the applicant or applicants for the said permits.

214. If any person or persons, corporation or corporations, shall violate any of the provisions of the two preceding sections, either directly or through any employee, servant or agent, he or they shall be subject to a fine of not less than twenty nor more than fifty dollars for each day the same shall continue, said fines to be collected as other fines are collected.

*City Code, 1893,
Art. 48, Sec. 157g.*

*Penalty for
violation of
two preceding
sections.*

GRADES OF STREETS.

215. The grades and lines of all streets hereafter to be opened or established in the Twenty-first and Twenty-second wards of Baltimore city shall be made to conform to the requirements of the Topographical Survey, now in course of preparation, under the provision of an ordinance of the Mayor and City Council of Baltimore.

*Ord. No. 175.
App. Apr. 28, 1894.*

BRUSH ELECTRIC LIGHT COMPANY.

216. The Brush Electric Light Company of Baltimore City, a body corporate, duly incorporated according to law, its successors and assigns, is authorized to construct, operate and erect lines of wires for illuminating purposes, and for all other purposes to which electricity or magnetism may be applied, above ground, or lay them under ground, or in pipes or otherwise, over, under and along the streets, squares, lanes, alleys, bridges and waters of the city of Baltimore, and to construct, maintain, repair and remove, from time to time, all such lines and pipes; provided, however, that in the construction, maintenance, removal and repair thereof, the said corporation, its successors and assigns, shall be at all times subject to, and be entitled to the benefit of all

*City Code, 1893,
Art. 48, Sec. 182.*

*May erect and
operate lines of
wires.*

the ordinances of the said city, providing for the condemnation, construction, maintenance and repair of telegraph poles and lines therein; provided, always, that the said company shall not in any manner injure or displace any of the pipes laid, or to be laid, for the purpose of supplying water to said city, or any of the pipes then or thereafter to be laid by any company incorporated under the laws of this State with power to lay pipes in said city; and provided also, that the said company shall immediately after erecting or removing any poles, or laying, repairing or removing any wires or pipes aforesaid, and always within two days after being thereto required by the Mayor or City Commissioner, cause to be filled up, repaired and repaved in like good order, at the expense of said company, every such street, or part of a street, square, lane, alley or bridge, as the company may find it necessary to dig, impair or unpave, for the purpose of laying, altering, repairing, renewing or removing any pole or poles, wire, pipe or pipes aforesaid; and if the said company shall omit or neglect to fill up, repair or repave any such street, square, lane, alley or bridge, or any part thereof, as aforesaid, for the space of two days after the time which shall be limited by the Mayor or City Commissioner in his notice, the said company shall for every such omission or neglect, forfeit and pay to the use of said city, such sum not exceeding twenty dollars, as any justice of the peace for said city shall adjudge, on a warrant to be issued in the name of the Mayor and City Council of Baltimore against the president and directors of the said company; and also the sum of five dollars, to be recovered as aforesaid, for every day the said company shall neglect or refuse so

to do, after issuing the first warrant for the recovery of the penalty of twenty dollars, or less, as aforesaid.

217. The refilling, repairing and repaving, required to be done by the provisions of the preceding section, shall be subject to the approval of the City Commissioner; and if the said company shall refuse or neglect, after five days' notice from him, to do said refilling, repairing and repaving, in such manner as he may approve, he may cause the same to be done, and recover the expense thereof from said company by suit in the name of the Mayor and City Council of Baltimore against said company.

*City Code, 1893,
Art. 48, Sec. 183.*

*Approval of
City Commis-
sioner.*

SURVEYOR.

218. Whenever the City Commissioner shall, in pursuance of the several duties required to be performed by him, under the provisions of the several ordinances of the city of Baltimore, contained in Article XLVIII, Streets and City Commissioner, or of any other ordinance which may hereafter be passed, regulating the duties of said City Comissioner, require the services of a surveyor, it shall be the duty of the said City Surveyor to do and perform all such acts appertaining to the business of a surveyor as may be reasonably required of him by the said City Commissioner, for which services he shall be entitled to and shall receive compensation as fixed in the table of rates contained in the fifth section hereof, and which compensation shall be collected in the manner now provided for in the several ordinances hereinbefore referred to, or which may hereafter be passed by the Mayor and City Council of Baltimore.

*City Code, 1893,
Art. 49, Sec. 2.*

Duties.

219. The compensation for the duties performed by
City Code, 1893, the City Surveyor under this article shall be as fixed by
Art. 49, Sec. 5.

Fees and charges. the following table, viz:

For surveying and establishing the lines of a lot,
eight dollars.

For a plat of the same, three dollars.

For surveying and establishing from two to ten adjoining lots, each five dollars.

For a plat of the same, each two dollars.

For giving the line of a street in front of a building,
five dollars.

For establishing the grade of any street, one square,
five dollars.

For all over one square, each three dollars.

For profile of same, for each square, five dollars.

For paving plat, each square, five dollars.

For condemnation and benefit plats furnished to the Commissioners for Opening Streets, the rates shall be as follows:

For a distance as shown on the benefit plat not exceeding two squares, for every front foot ordered, five cents.

For a distance, as above, more than two and not exceeding four squares, for every front foot ordered, three cents.

For a distance, as above, exceeding four squares, for every front foot ordered, two cents.

For the damage plat he shall be allowed for his own services ten dollars per day while engaged on it, and also an additional allowance of two dollars and fifty cents per day for each assistant; provided, that in opening any street designated on Poppleton's plat, there shall not be allowed (on said damage plat) more than one day to each square to the Surveyor and his assistants, unless the bed of the street to be opened be obstructed by improvements.

220. All records, memoranda, plats and field notes *City Code, 1893,
Art. 49, Sec. 7.*
herein mentioned shall at all times be subject to the in-
spection and examination of the Mayor, the members
of the City Council, the City Commissioner, the Com-
missioners for Opening Streets, the Counselor, Solicitor
and Examiner of Titles, the Comptroller and the Regis-
ter of the City; but every other person, after the ex-
piration of twelve months from the time of the deposit
of any record, memoranda or plats in said office for
such inspection, shall pay to the City Surveyor, for the
use of the city, the sum of twelve and a half cents;
and it shall be the duty of the City Surveyor to furnish
a copy of any record in his office to any person requir-
ing the same, on the payment of ten cents for every one
hundred words embraced in such copy. *Inspection of
his records.*

TAXES.

221. Whenever any tax that has been assessed by the *City Code, 1893,
Art. 50, Sec. 53.*
City Commissioner for paving any street, lane or alley,
or any part thereof, in the city of Baltimore, shall have *Payment of
paving tax.*
remained unpaid for the space of four months after
said paving has been completed, for which the assess-
ment was made, the collector is hereby authorized and
required to proceed to enforce payment thereof as
herein provided for the collection of taxes in arrears on
real estate.

222. In all cases where a tax shall be assessed for *City Code, 1893,
Art. 50, Sec. 55.*
paving or repaving any street, lane or alley as afore-
said, which it is hereby made the duty of the collector *Plats to be
made by City
Commissioner.*
to collect, the City Commissioner is hereby authorized
to have a plat made out of the property, giving the

width of the front, depth and full description of each lot of ground on which said tax has been assessed, which tax shall be a lien on the property taking precedence of all other liens, except for other taxes previously assessed and binding upon each and all interests in said property; which taxes the said collector is hereby directed to collect, as herein provided for the collection of taxes in arrears on real estate.

*City Code, 1893,
Art. 50, Sec. 57.* 223. The collector on receiving the full amount of

*Deed to pur-
chasers.* purchase money for sales of property made in conse-

quence of opening streets, lanes or alleys as aforesaid, shall execute a deed of conveyance in favor of the purchaser or purchasers, which deed shall convey a fee simple or leasehold estate, as the case may be, in and to such property; and after deducting the cost of sale, advertising and other necessary expenses, he shall pay the balance of the purchase money to the Register of the City, who shall pay over the same to the person or persons entitled thereto, first deducting the sum, if any, assessed as benefits to said person or persons; the payment to be made on demand without interest.

Ibid., Sec. 58.

*Collector to
send out pav-
ing tax bills.* 224. After the City Commissioner shall have issued his warrant approved by the Mayor, to the collector, for the collection of any tax or assessment for the paving or repairing of footways, which tax shall be a lien on the lot or lots in front of which said paving or repairs have been made, and shall have also delivered to the collector a list of the names of the person or persons by whom the taxes or assessments are due, with the amount due by each, it shall be the duty of said collector, and he is hereby required to deliver bills of

the same to said person or persons, with a notice that if not paid within thirty days thereafter, he will proceed to collect the same in like manner as herein provided for taxes in arrears on real estate.

225. All persons and corporations having, using or maintaining any telegraph, telephone, electric light or other poles, in any of the streets, lane or alleys of the city of Baltimore, shall, annually between the fifteenth day of May and the first day of June, in each and every year, file with the City Commissioner a list of all such poles so used, possessed or maintained by them, giving the accurate locations of each of such poles, and shall also have stamped, painted or printed, in legible characters, their name as owner upon each of such poles.

*City Code, 1893,
Art. 50, Sec. 74.*

Owners of
telegraph, tele-
phone, electric
or other such
poles to file list
with City Com-
missioner.

226. All telegraph, telephone, electric light and other poles in any of the streets, lanes and alleys of the city of Baltimore, (except trolley poles used exclusively for stringing thereon wires for use in the propulsion of street passenger cars), which have not been included in any list filed in accordance with the first section of this ordinance, with the City Commissioner, or upon which the name of the owner is not legibly painted, printed or stamped, or upon which the above-mentioned license fee has not been paid, or on which the above prescribed tin plate is not securely fastened in some conspicuous place, on or before the fifteenth day of June in any year, shall be forthwith removed by its owner, and in default thereof may be cut or taken down by the City Commissioner and removed from the streets by him, in addition to the said owner incurring the penalties provided in the next succeeding section.

*City Code, 1893,
Art. 50, Sec. 77.*

Removal of
poles not listed.

Default.

*City Code, 1893,
Art. 50, Sec. 78.*

*Failure to file
list of poles
with City Com-
missioner.*

Penalties.

227. Any person or persons, or corporation using, possessing or maintaining any telegraph, telephone, electric light or other poles in any of the streets, lanes and alleys of the city of Baltimore, who shall fail to file with the City Commissioner, as prescribed in Section 74, a list of said poles, or who shall fail to have stamped, printed or painted in legible characters, his or its name as owner upon each of such poles, as prescribed in said Section 74, by the fifteenth day of June of each and every year; or who, if belonging to the classes required to pay a fee of two dollars on each pole by Section 75, shall fail to pay the said fee or shall fail to have the tin plate therein prescribed securely fastened in some conspicuous place by the said fifteenth day of June of each and every year, upon all such telegraph, telephone, electric light or other poles so used, possessed or maintained by him or them, shall forfeit and pay a fine of ten dollars for each pole upon which he, they or it are so in default; such fine to be collected as other fines and penalties for the violation of city ordinances are collected.

*Ord. No. 89,
App. May 18, 1894.*

*Not to apply
to city poles.*

228. Nothing contained in the sections of this article, from that numbered 225 to that numbered 227, inclusive, shall be deemed or held to apply to any pole bearing a public lamp or lamps used to light any street, lane or alley, or other public place in the city.

WATER.

*City Code, 1893,
Art. 54, Sec. 29.*

*Upon default
of Water Board,
City Commis-
sioner shall
repair and re-
pave.*

229. In all cases where the Water Board or any of their agents or workmen shall take up the pavement for the purpose aforesaid, and shall not repave the same in a reasonable time, at the discretion of the City Commissioner, the said Commissioner shall give notice to

the said Board to have same immediately repaired; and if the Board refuse or neglect to have it done, the City Commissioner shall proceed to have it repaired at the expense of said Water Board.

230. It shall not be lawful for any person or persons, company or corporation, to remove any of the stone or brick pavements of the city for the introduction of water-pipes without permission from the Water Board, and the replacing of said pavement to be under the superintendence of the City Commissioner, at the expense of the party removing the same; and any person or persons, company or corporation, who shall violate this section, shall forfeit and pay a fine of twenty dollars, to be applied as provided in Section 45 of Article 54 of the City Code.

231. In all instances where the pavement of any street, lane or alley, which may have been heretofore or may hereafter be opened or dug up by said Water Board, has not, in the judgment of the City Commissioner, been well and effectually repaved, the said Water Board, being informed thereof in writing by the said Commissioner, shall forthwith proceed well and effectually to repave the same, and the expenses thereof shall be chargeable to and paid by the said Board.

232. Whenever it becomes necessary to pave, repave or repair any street, lane or alley in the city of Baltimore, it shall be the duty of the paver or contractor to distinctly mark by three bricks on edge, or iron box, all water-stops of private water-pipes leading from the city's main pipes to the property opposite to which the

*City Code, 1893,
Art. 54, Sec. 30.*

Permits to
remove pave-
ments neces-
sary.

Water Board
to repave pave-
ments dug up.

Water stops
of private pipes
in streets to be
marked.

Penalty.

stop may be found. He or they so offending shall forfeit and pay for each and every neglect the sum of ten dollars, to be paid to the Register for the use of the Water Department.

*City Code, 1893,
Art. 54, Sec. 33.*

Water stop
covered by
pavements to
be marked.

233. It shall be the duty of the owners of property, plumbers, bricklayers, or other person or persons, in paving or repaving the side walks, yards or alleys, to distinctly mark by three bricks on edge, or iron box, the water-stops that may be covered by said paving or repaving, under a penalty of ten dollars for each and every neglect of the same; to be paid to the Register for the use of the Water Department.

ADDENDA.

Ordinance No. 36, approved April 20, 1895, authorizes the construction of railway tracks in certain portions of Edmondson avenue, Calverton road, Franklin street, Monroe street and Saratoga street, to a point east of Fremont street and west of Howard street, by the "Edmondson Avenue, Catonsville and Ellicott City Electric Railway Company" and "The Baltimore Traction Company."

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